



Reprinted  
March 1, 2016

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## ENGROSSED HOUSE BILL No. 1290

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DIGEST OF HB 1290 (Updated February 29, 2016 5:05 pm - DI 73)

**Citations Affected:** IC 4-22; IC 4-33; IC 5-13; IC 5-28; IC 6-1.1; IC 6-2.5; IC 6-3.1; IC 6-6; IC 36-7; IC 36-7.5; noncode.

**Synopsis:** State and local finance. Reorganizes the statutes concerning riverboat admissions tax distributions by: (1) moving distribution provisions for the Lake County riverboats into a new section organized by riverboat; and (2) moving into a new section provisions concerning the use of admissions tax revenue and the supplemental distribution. Allocates the admissions tax revenue that is paid to the northwest Indiana redevelopment authority (RDA) in satisfaction of Lake County's obligations to the authority equally among the four riverboats operating in Lake County. Changes the deadline for paying the supplemental distribution from September 15 to July 15. Provides for quarterly payments of admission taxes used to reimburse the state for certain income tax credits provided in Lake County and to provide additional funding to the authority. Eliminates the requirement that  
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**Effective:** Upon passage; January 1, 2016 (retroactive); July 1, 2016; January 1, 2017.

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### Brown T, Porter, Koch, Burton

(SENATE SPONSORS — HERSHMAN, RANDOLPH LONNIE M, ROGERS)

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January 12, 2016, read first time and referred to Committee on Ways and Means.  
January 25, 2016, reported — Do Pass.  
February 2, 2016, read second time, amended, ordered engrossed.  
February 3, 2016, engrossed. Read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Tax & Fiscal Policy.  
February 25, 2016, amended, reported favorably — Do Pass.  
February 29, 2016, read second time, amended, ordered engrossed.

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admissions taxes paid to the Lake County convention and visitor bureau be deposited in a county convention and visitor promotion fund. Provides that the economic development projects that may be carried out by the RDA include destination based economic development projects that meet certain conditions. Provides that the RDA may make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of a member municipality that is eligible to make an appointment to the development board and is compliant with the revenue transfer requirements. Repeals provisions enacted in 2015 concerning the assessment of: (1) certain limited market or special purpose property; and (2) commercial nonincome producing real property. Provides that in addition to the factors under current law, the department of local government finance (DLGF) shall also provide for the classification of improvements on the basis of market segmentation. Specifies that with respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis. Specifies that a market segmentation analysis must be conducted in conformity with generally accepted appraisal principles and is not limited to the categories of markets and submarkets enumerated in the rules or guidance materials adopted by the DLGF. Provides that true tax value shall be determined under the rules of the DLGF (subject to the provisions of the property tax article), and that the DLGF's rules may include examples to illustrate true tax value. Specifies that true tax value does not mean the value of the property to the user. Provides that in the case of a limited market or special purpose property that: (1) is commonly regarded as a big box retail building under standard appraisal practices and is at least 50,000 square feet; and (2) is occupied by the original owner or by a tenant for which the improvement was built; if a taxpayer files an assessment appeal after March 31, 2016, and the effective age of the improvements is 10 years or less, the taxpayer must provide to the assessor information concerning the actual construction costs for the real property. Provides that a holder of a tax sale certificate may not bring a property tax appeal. Specifies that for purposes of the industrial recovery tax credit, "industrial recovery site" means land on which a vacant plant having at least 100,000 square feet of total floor space: (1) exists as of the date an application is filed with the Indiana economic development corporation (IEDC) and was placed in service at least 15 years before the date on which an application is filed with the IEDC; or (2) existed five years before the date an application is filed with the IEDC and was placed in service at least 15 years before the date on which the vacant plant was demolished. Deletes from current law the process involving an application to the IEDC for designation of a location as an industrial recovery site. Provides that if the IEDC approves a taxpayer's application for an industrial recovery tax credit, the IEDC shall require the applicant to enter into an agreement as a condition of receiving an tax credit. Provides that the treasurer of state shall discharge any remaining unpaid interest on the obligation issued by the capital improvement board to the treasurer of state in 2009, if the capital board submits payment of the principal amount to the treasurer of state before the stated final maturity of that obligation. Provides that the gasoline tax does not apply to a fuel blend nominally consisting of more than 87% ethanol and less than 13% gasoline. Specifies that the gasoline tax exemption for gasoline exported from Indiana to another state, territory, or foreign country includes gasoline sold to another person for export from Indiana. Provides that if a retail merchant obtains the information and the signed affirmation that must be submitted by a person who purchases tangible personal property under the tax exemption for use or consumption in providing public transportation: (1) the retail

(Continued next page)



## Digest Continued

merchant is entitled to assume that the person purchasing the tangible personal property either will use the property for an exempt purpose or will pay any tax that is due; and (2) the retail merchant is not liable for a failure to collect any use tax that may be due. Specifies that this provision does not apply to a retail merchant if the retail merchant's reliance on the information and signed affirmation was unreasonable. Authorizes the department of local government finance (DLGF) to incorporate by reference in an administrative rule certain formatting, coding, and transmission requirements for data that must be submitted by counties. Specifies additional information that must be reported by each redevelopment commission to the unit's executive and fiscal body and to the DLGF. Specifies that the following apply to funds of redevelopment commissions: (1) The funds must be maintained and accounted for separately and may not be commingled with any assets or funds of any other unit or political subdivision. (2) The funds may not be transferred to any accounts or funds established by or for another unit or political subdivision, and the funds may not be used to pay for expenses of another unit or political subdivision (but specifies certain exceptions). Urges the legislative council to assign the following topics to a study committee: (1) Whether a heavy equipment vehicle excise tax, instead of the property tax, should be imposed on certain heavy equipment vehicles. (2) The appropriate amount of the fee that should be charged for the registration of certain vehicles used in connection with logging.





Reprinted  
March 1, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1290

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A BILL FOR AN ACT to amend the Indiana Code concerning  
taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-22-2-21, AS AMENDED BY THE TECHNICAL  
2 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS  
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:  
4 Sec. 21. (a) If incorporation of the text in full would be cumbersome,  
5 expensive, or otherwise inexpedient, an agency may incorporate by  
6 reference into a rule part or all of any of the following matters:  
7 (1) A federal or state statute, rule, or regulation.  
8 (2) A code, manual, or other standard adopted by an agent of the  
9 United States, a state, or a nationally recognized organization or  
10 association.  
11 (3) A manual of the department of local government finance  
12 adopted in a rule described in IC 6-1.1-31-9.  
13 (4) **The following requirements:**  
14 (A) **The schedule, electronic formatting, and standard**  
15 **data, field, and record coding requirements for:**  
16 (i) **the electronic data file under IC 6-1.1-4-25 concerning**  
17 **the parcel characteristics and parcel assessments of all**

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1 parcels and personal property return characteristics and  
2 assessments; and

3 (ii) the electronic data file under IC 36-2-9-20 concerning  
4 the tax duplicate.

5 (B) The schedule, electronic formatting, and standard data,  
6 field, and record coding requirements for data required to  
7 be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

8 (C) Data export and transmission format requirements for  
9 information described in clauses (A) and (B).

10 (b) Each matter incorporated by reference under subsection (a) must  
11 be fully and exactly described.

12 (c) An agency may refer to a matter that is directly or indirectly  
13 referred to in a primary matter by fully and exactly describing the  
14 primary matter.

15 (d) Whenever an agency submits a rule to the attorney general, the  
16 governor, or the publisher under this chapter, the agency shall also  
17 submit a copy of the full text of each matter incorporated by reference  
18 under subsection (a) into the rule, other than the following:

19 (1) An Indiana statute or rule.

20 (2) A form or instructions for a form numbered by the  
21 commission on public records **Indiana archives and record**  
22 **administration** under IC 5-15-5.1-6.

23 (3) The source of a statement that is quoted or paraphrased in full  
24 in the rule.

25 (4) Any matter that has been previously filed with the:

26 (A) secretary of state before July 1, 2006; or

27 (B) publisher after June 30, 2006.

28 (5) Any matter referred to in subsection (c) as a matter that is  
29 directly or indirectly referred to in a primary matter.

30 (e) An agency may comply with subsection (d) by submitting a  
31 paper or an electronic copy of the full text of the matter incorporated  
32 by reference.

33 SECTION 2. IC 4-33-12-6, AS AMENDED BY THE TECHNICAL  
34 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS  
35 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:  
36 Sec. 6. (a) The department shall place in the state general fund the tax  
37 revenue collected under this chapter.

38 (b) Except as provided by *subsections subsection (c) and (d), and*  
39 *IC 6-3.1-20-7, section 8 of this chapter*, the treasurer of state shall  
40 quarterly pay the following amounts:

41 (1) Except as provided in *subsection (k), (j), section 9(g) of this*  
42 *chapter*, one dollar (\$1) of the admissions tax collected by the



1 licensed owner for each person embarking on a gambling  
 2 excursion during the quarter or admitted to a riverboat that has  
 3 implemented flexible scheduling under IC 4-33-6-21 during the  
 4 quarter shall be paid to:

5 (A) the city in which the riverboat is docked, if the city:

6 (i) is located in a county having a population of more than  
 7 one hundred eleven thousand (111,000) but less than one  
 8 hundred fifteen thousand (115,000); or

9 (ii) is contiguous to the Ohio River and is the largest city in  
 10 the county; and

11 (B) the county in which the riverboat is docked, if the  
 12 riverboat is not docked in a city described in clause (A).

13 (2) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this**  
 14 **chapter**, one dollar (\$1) of the admissions tax collected by the  
 15 licensed owner for each person:

16 (A) embarking on a gambling excursion during the quarter; or

17 (B) admitted to a riverboat during the quarter that has  
 18 implemented flexible scheduling under IC 4-33-6-21;

19 shall be paid to the county in which the riverboat is docked. In the  
 20 case of a county described in subdivision (1)(B), this one dollar  
 21 (\$1) is in addition to the one dollar (\$1) received under  
 22 subdivision (1)(B).

23 (3) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this**  
 24 **chapter**, ten cents (\$0.10) of the admissions tax collected by the  
 25 licensed owner for each person:

26 (A) embarking on a gambling excursion during the quarter; or

27 (B) admitted to a riverboat during the quarter that has  
 28 implemented flexible scheduling under IC 4-33-6-21;

29 shall be paid to the county convention and visitors bureau or  
 30 promotion fund for the county in which the riverboat is docked.

31 (4) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this**  
 32 **chapter**, fifteen cents (\$0.15) of the admissions tax collected by  
 33 the licensed owner for each person:

34 (A) embarking on a gambling excursion during the quarter; or

35 (B) admitted to a riverboat during a quarter that has  
 36 implemented flexible scheduling under IC 4-33-6-21;

37 shall be paid to the state fair commission, for use in any activity  
 38 that the commission is authorized to carry out under IC 15-13-3.

39 (5) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this**  
 40 **chapter**, ten cents (\$0.10) of the admissions tax collected by the  
 41 licensed owner for each person:

42 (A) embarking on a gambling excursion during the quarter; or



1 (B) admitted to a riverboat during the quarter that has  
 2 implemented flexible scheduling under IC 4-33-6-21;  
 3 shall be paid to the division of mental health and addiction. The  
 4 division shall allocate at least twenty-five percent (25%) of the  
 5 funds derived from the admissions tax to the prevention and  
 6 treatment of compulsive gambling.

7 (6) Except as provided in subsection ~~(k)~~, ~~(j)~~; Sixty-five cents  
 8 (\$0.65) of the admissions tax collected by the licensed owner for  
 9 each person embarking on a gambling excursion during the  
 10 quarter or admitted to a riverboat during the quarter that has  
 11 implemented flexible scheduling under IC 4-33-6-21 shall be paid  
 12 to the state general fund.

13 *(c) With respect to tax revenue collected from a riverboat located*  
 14 *in a historic hotel district, the treasurer of state shall quarterly pay the*  
 15 *following:*

16 *(1) With respect to admissions taxes collected for a person*  
 17 *admitted to the riverboat before July 1, 2010, the following*  
 18 *amounts:*

19 *(A) Twenty-two percent (22%) of the admissions tax collected*  
 20 *during the quarter shall be paid to the county treasurer of the*  
 21 *county in which the riverboat is located. The county treasurer*  
 22 *shall distribute the money received under this clause as*  
 23 *follows:*

24 *(i) Twenty-two and seventy-five hundredths percent*  
 25 *(22.75%) shall be quarterly distributed to the county*  
 26 *treasurer of a county having a population of more than forty*  
 27 *thousand (40,000) but less than forty-two thousand (42,000)*  
 28 *for appropriation by the county fiscal body after receiving*  
 29 *a recommendation from the county executive. The county*  
 30 *fiscal body for the receiving county shall provide for the*  
 31 *distribution of the money received under this item to one (1)*  
 32 *or more taxing units (as defined in IC 6-1.1-1-21) in the*  
 33 *county under a formula established by the county fiscal*  
 34 *body after receiving a recommendation from the county*  
 35 *executive.*

36 *(ii) Twenty-two and seventy-five hundredths percent*  
 37 *(22.75%) shall be quarterly distributed to the county*  
 38 *treasurer of a county having a population of more than ten*  
 39 *thousand seven hundred (10,700) but less than twelve*  
 40 *thousand (12,000) for appropriation by the county fiscal*  
 41 *body. The county fiscal body for the receiving county shall*  
 42 *provide for the distribution of the money received under this*



1           item to one (1) or more taxing units (as defined in  
2           IC 6-1.1-1-21) in the county under a formula established by  
3           the county fiscal body after receiving a recommendation  
4           from the county executive.

5           (iii) Fifty-four and five-tenths percent (54.5%) shall be  
6           retained by the county where the riverboat is located for  
7           appropriation by the county fiscal body after receiving a  
8           recommendation from the county executive.

9           (B) Five percent (5%) of the admissions tax collected during  
10          the quarter shall be paid to a town having a population of  
11          more than two thousand (2,000) but less than three thousand  
12          five hundred (3,500) located in a county having a population  
13          of more than nineteen thousand five hundred (19,500) but less  
14          than twenty thousand (20,000). At least twenty percent (20%)  
15          of the taxes received by a town under this clause must be  
16          transferred to the school corporation in which the town is  
17          located.

18          (C) Five percent (5%) of the admissions tax collected during  
19          the quarter shall be paid to a town having a population of  
20          more than three thousand five hundred (3,500) located in a  
21          county having a population of more than nineteen thousand  
22          five hundred (19,500) but less than twenty thousand (20,000).  
23          At least twenty percent (20%) of the taxes received by a town  
24          under this clause must be transferred to the school  
25          corporation in which the town is located.

26          (D) Twenty percent (20%) of the admissions tax collected  
27          during the quarter shall be paid in equal amounts to each  
28          town that:

- 29           (i) is located in the county in which the riverboat is located;
- 30           and
- 31           (ii) contains a historic hotel.

32          At least twenty percent (20%) of the taxes received by a town  
33          under this clause must be transferred to the school  
34          corporation in which the town is located.

35          (E) Ten percent (10%) of the admissions tax collected during  
36          the quarter shall be paid to the Orange County development  
37          commission established under IC 36-7-11.5. At least one-third  
38          (1/3) of the taxes paid to the Orange County development  
39          commission under this clause must be transferred to the  
40          Orange County convention and visitors bureau.

41          (F) Thirteen percent (13%) of the admissions tax collected  
42          during the quarter shall be paid to the West Baden Springs



1 *historic hotel preservation and maintenance fund established*  
 2 *by IC 36-7-11.5-11(b).*

3 *(G) Twenty-five percent (25%) of the admissions tax collected*  
 4 *during the quarter shall be paid to the Indiana economic*  
 5 *development corporation to be used by the corporation for the*  
 6 *development and implementation of a regional economic*  
 7 *development strategy to assist the residents of the county in*  
 8 *which the riverboat is located and residents of contiguous*  
 9 *counties in improving their quality of life and to help promote*  
 10 *successful and sustainable communities. The regional*  
 11 *economic development strategy must include goals concerning*  
 12 *the following issues:*

13 *(i) Job creation and retention.*

14 *(ii) Infrastructure, including water, wastewater, and storm*  
 15 *water infrastructure needs.*

16 *(iii) Housing.*

17 *(iv) Workforce training.*

18 *(v) Health care.*

19 *(vi) Local planning.*

20 *(vii) Land use.*

21 *(viii) Assistance to regional economic development groups.*

22 *(ix) Other regional development issues as determined by the*  
 23 *Indiana economic development corporation.*

24 *(2) With respect to admissions taxes collected for a person*  
 25 *admitted to the riverboat after June 30, 2010, the following*  
 26 *amounts:*

27 *(A) Twenty-nine and thirty-three hundredths percent (29.33%)*  
 28 *to the county treasurer of Orange County. The county*  
 29 *treasurer shall distribute the money received under this clause*  
 30 *as follows:*

31 *(i) Twenty-two and seventy-five hundredths percent*  
 32 *(22.75%) to the county treasurer of Dubois County for*  
 33 *distribution in the manner described in subdivision (1)(A)(i).*

34 *(ii) Twenty-two and seventy-five hundredths percent*  
 35 *(22.75%) to the county treasurer of Crawford County for*  
 36 *distribution in the manner described in subdivision*  
 37 *(1)(A)(ii).*

38 *(iii) Fifty-four and five-tenths percent (54.5%) to be retained*  
 39 *by the county treasurer of Orange County for appropriation*  
 40 *by the county fiscal body after receiving a recommendation*  
 41 *from the county executive.*

42 *(B) Six and sixty-seven hundredths percent (6.67%) to the*



1 *fiscal officer of the town of Orleans. At least twenty percent*  
 2 *(20%) of the taxes received by the town under this clause must*  
 3 *be transferred to Orleans Community Schools.*

4 *(C) Six and sixty-seven hundredths percent (6.67%) to the*  
 5 *fiscal officer of the town of Paoli. At least twenty percent*  
 6 *(20%) of the taxes received by the town under this clause must*  
 7 *be transferred to the Paoli Community School Corporation.*

8 *(D) Twenty-six and sixty-seven hundredths percent (26.67%)*  
 9 *to be paid in equal amounts to the fiscal officers of the towns*  
 10 *of French Lick and West Baden Springs. At least twenty*  
 11 *percent (20%) of the taxes received by a town under this*  
 12 *clause must be transferred to the Springs Valley Community*  
 13 *School Corporation.*

14 *(E) Thirty and sixty-six hundredths percent (30.66%) to the*  
 15 *Indiana economic development corporation to be used the*  
 16 *manner described in subdivision (1)(G).*

17 *(d) (e) With respect This subsection applies to tax revenue collected*  
 18 *from a riverboat that operates from a county having a population of*  
 19 *more than four hundred thousand (400,000) but less than seven*  
 20 *hundred thousand (700,000); Lake County. Except as provided by*  
 21 *IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following*  
 22 *amounts:*

23 *(1) The lesser of:*

24 *(A) eight hundred seventy-five thousand dollars (\$875,000);*  
 25 *or*

26 *(B) one dollar (\$1) of the admissions tax collected by the*  
 27 *licensed owner for each person admitted to a riverboat*  
 28 *operating from East Chicago during the preceding calendar*  
 29 *quarter;*

30 *to the fiscal officer of the northwest Indiana regional*  
 31 *development authority to satisfy, in whole or in part, East*  
 32 *Chicago's funding obligation to the authority under*  
 33 *IC 36-7.5-4-2.*

34 *(2) The lesser of:*

35 *(A) eight hundred seventy-five thousand dollars (\$875,000);*  
 36 *or*

37 *(B) one dollar (\$1) of the admissions tax collected by the*  
 38 *licensed owner for each person admitted to a riverboat*  
 39 *operating from Gary during the preceding calendar quarter;*

40 *to the fiscal officer of the northwest Indiana regional*  
 41 *development authority to satisfy, in whole or in part, Gary's*  
 42 *funding obligation to the authority under IC 36-7.5-4-2.*



- 1           (3) *The lesser of:*  
 2           (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 3           *or*  
 4           (B) *one dollar (\$1) of the admissions tax collected by the*  
 5           *licensed owner for each person admitted to a riverboat*  
 6           *operating from Hammond during the preceding calendar*  
 7           *quarter;*  
 8           *to the fiscal officer of the northwest Indiana regional*  
 9           *development authority to satisfy, in whole or in part, Hammond's*  
 10           *funding obligation to the authority under IC 36-7.5-4-2.*  
 11           (4) *The lesser of:*  
 12           (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 13           *or*  
 14           (B) *one dollar (\$1) of the admissions tax collected by the*  
 15           *licensed owner for each person admitted to a riverboat*  
 16           *operating from Lake County during the preceding calendar*  
 17           *quarter;*  
 18           *to the fiscal officer of the northwest Indiana regional*  
 19           *development authority to satisfy, in whole or in part, Lake*  
 20           *County's funding obligation to the authority under IC 36-7.5-4-2.*  
 21           (1) (5) *Except as provided in subsection (k), (j), the remainder, if*  
 22           *any, of:*  
 23           (A) *one dollar (\$1) of the admissions tax collected by the*  
 24           *licensed owner for each person*  
 25           (A) *embarking on a gambling excursion during the quarter; or*  
 26           (B) *admitted to a riverboat during the preceding calendar*  
 27           *quarter; that has implemented flexible scheduling under*  
 28           *IC 4-33-6-21; minus*  
 29           (B) *the amount distributed to the northwest Indiana regional*  
 30           *development authority under subdivision (1), (2), or (3);*  
 31           *whichever is applicable, for that the calendar quarter;*  
 32           *shall be paid to the city in which the riverboat is docked.*  
 33           (2) (6) *Except as provided in subsection (k), (j), the remainder, if*  
 34           *any, of:*  
 35           (A) *one dollar (\$1) of the admissions tax collected by the*  
 36           *licensed owner for each person*  
 37           (A) *embarking on a gambling excursion during the quarter; or*  
 38           (B) *admitted to a riverboat during the preceding calendar*  
 39           *quarter; that has implemented flexible scheduling under*  
 40           *IC 4-33-6-21; minus*  
 41           (B) *the amount distributed to the northwest Indiana regional*  
 42           *development authority under subdivision (4) for that the*



1                   *calendar quarter;*  
2 shall be paid to the county in which the riverboat is docked:  
3 ~~(3) (7)~~ Except as provided in subsection ~~(k), (j)~~, nine cents (\$0.09)  
4 of the admissions tax collected by the licensed owner for each  
5 person  
6                   ~~(A) embarking on a gambling excursion during the quarter; or~~  
7                   ~~(B) admitted to a riverboat during the preceding calendar~~  
8                   ~~quarter that has implemented flexible scheduling under~~  
9                   ~~IC 4-33-6-21;~~  
10 shall be paid to the county convention and visitors bureau or  
11 promotion fund for the county in which the riverboat is docked:  
12 ~~(4) (8)~~ Except as provided in subsection ~~(k), (j)~~, one cent (\$0.01)  
13 of the admissions tax collected by the licensed owner for each  
14 person  
15                   ~~(A) embarking on a gambling excursion during the quarter; or~~  
16                   ~~(B) admitted to a riverboat during the preceding calendar~~  
17                   ~~quarter that has implemented flexible scheduling under~~  
18                   ~~IC 4-33-6-21;~~  
19 shall be paid to the northwest Indiana law enforcement training  
20 center:  
21 ~~(5) (9)~~ Except as provided in subsection ~~(k), (j)~~, fifteen cents  
22 ~~(\$0.15)~~ of the admissions tax collected by the licensed owner for  
23 each person  
24                   ~~(A) embarking on a gambling excursion during the quarter; or~~  
25                   ~~(B) admitted to a riverboat during a the preceding calendar~~  
26                   ~~quarter that has implemented flexible scheduling under~~  
27                   ~~IC 4-33-6-21;~~  
28 shall be paid to the state fair commission for use in any activity  
29 that the commission is authorized to carry out under IC 15-13-3:  
30 ~~(6) (10)~~ Except as provided in subsection ~~(k), (j)~~, ten cents (\$0.10)  
31 of the admissions tax collected by the licensed owner for each  
32 person  
33                   ~~(A) embarking on a gambling excursion during the quarter; or~~  
34                   ~~(B) admitted to a riverboat during the preceding calendar~~  
35                   ~~quarter that has implemented flexible scheduling under~~  
36                   ~~IC 4-33-6-21;~~  
37 shall be paid to the division of mental health and addiction. The  
38 division shall allocate at least twenty-five percent (25%) of the  
39 funds derived from the admissions tax to the prevention and  
40 treatment of compulsive gambling.  
41 ~~(7) (11)~~ Except as provided in subsection ~~(k)~~, Sixty-five cents  
42 ~~(\$0.65)~~ of the admissions tax collected by the licensed owner for



1 each person *embarking on a gambling excursion during the*  
 2 *quarter or* admitted to a riverboat during the *preceding calendar*  
 3 *quarter that has implemented flexible scheduling under*  
 4 *IC 4-33-6-21* shall be paid to the state general fund.

5 ~~(e) (d)~~ Money paid to a unit of local government under subsection  
 6 ~~(b) or (c): or (d):~~

7 (1) must be paid to the fiscal officer of the unit and may be  
 8 deposited in the unit's general fund or riverboat fund established  
 9 under IC 36-1-8-9, or both;

10 (2) may not be used to reduce the unit's maximum levy under  
 11 IC 6-1.1-18.5 but may be used at the discretion of the unit to  
 12 reduce the property tax levy of the unit for a particular year;

13 (3) may be used for any legal or corporate purpose of the unit,  
 14 including the pledge of money to bonds, leases, or other  
 15 obligations under IC 5-1-14-4; and

16 (4) is considered miscellaneous revenue.

17 ~~(f) (e)~~ Money paid by the treasurer of state under subsection ~~(b)(3)~~  
 18 ~~or (d)(3) (d)(7) (e)(7)~~ shall be:

19 (1) deposited in:

20 (A) the county convention and visitor promotion fund; or

21 (B) the county's general fund if the county does not have a  
 22 convention and visitor promotion fund; and

23 (2) used only for the tourism promotion, advertising, and  
 24 economic development activities of the county and community.

25 ~~(g) (f)~~ Money received by the division of mental health and  
 26 addiction under subsections ~~(b)(5) and (d)(6): (d)(10): (e)(10):~~

27 (1) is annually appropriated to the division of mental health and  
 28 addiction;

29 (2) shall be distributed to the division of mental health and  
 30 addiction at times during each state fiscal year determined by the  
 31 budget agency; and

32 (3) shall be used by the division of mental health and addiction  
 33 for programs and facilities for the prevention and treatment of  
 34 addictions to drugs, alcohol, and compulsive gambling; including  
 35 the creation and maintenance of a toll free telephone line to  
 36 provide the public with information about these addictions. The  
 37 division shall allocate at least twenty-five percent (25%) of the  
 38 money received to the prevention and treatment of compulsive  
 39 gambling.

40 ~~(h) (g)~~ This subsection applies to the following:

41 (1) Each entity receiving money under subsection ~~(b)(1) through~~  
 42 ~~(b)(5):~~



1           (2) Each entity receiving money under subsection ~~(d)(1)~~ ~~(d)(5)~~  
2           ~~(c)(5)~~ through ~~(d)(2)~~. ~~(d)(6)~~. ~~(e)(6)~~.

3           (3) Each entity receiving money under subsection ~~(d)(5)~~ ~~(d)(9)~~  
4           ~~(c)(9)~~ through ~~(d)(6)~~. ~~(d)(10)~~. ~~(e)(10)~~.

5           The treasurer of state shall determine the total amount of money paid  
6           by the treasurer of state to an entity subject to this subsection during  
7           the state fiscal year 2002. The amount determined under this subsection  
8           is the base year revenue for each entity subject to this subsection. The  
9           treasurer of state shall certify the base year revenue determined under  
10          this subsection to each entity subject to this subsection.

11          *(i) (h)* This subsection applies to an entity receiving money under  
12          subsection ~~(d)(3)~~ ~~(d)(7)~~ ~~(c)(7)~~ or ~~(d)(4)~~. ~~(d)(8)~~. ~~(c)(8)~~. The treasurer of  
13          state shall determine the total amount of money paid by the treasurer  
14          of state to the entity described in subsection ~~(d)(3)~~ ~~(d)(7)~~ ~~(c)(7)~~ during  
15          state fiscal year 2002. The amount determined under this subsection  
16          multiplied by nine-tenths (0.9) is the base year revenue for the entity  
17          described in subsection ~~(d)(3)~~. ~~(d)(7)~~. ~~(c)(7)~~. The amount determined  
18          under this subsection multiplied by one-tenth (0.1) is the base year  
19          revenue for the entity described in subsection ~~(d)(4)~~. ~~(d)(8)~~. ~~(c)(8)~~. The  
20          treasurer of state shall certify the base year revenue determined under  
21          this subsection to each entity subject to this subsection.

22          *(j) (i)* This subsection does not apply to an entity receiving money  
23          under subsection ~~(e)~~. The total amount of money distributed to an  
24          entity under this section during a state fiscal year may not exceed the  
25          entity's base year revenue as determined under subsection ~~(h)~~ ~~(g)~~ or ~~(i)~~.  
26          ~~(h)~~. For purposes of this section, the treasurer of state shall treat any  
27          amounts distributed under subsection ~~(d)~~ ~~(c)~~ to the northwest Indiana  
28          regional development authority as amounts constructively received by  
29          East Chicago, Gary, Hammond, and Lake County, as appropriate. If  
30          the treasurer of state determines that the total amount of money:

31                ~~(1)~~ distributed to an entity; and

32                ~~(2)~~ constructively received by an entity;

33          under this section during a state fiscal year is less than the entity's base  
34          year revenue, the treasurer of state shall make a supplemental  
35          distribution to the entity under IC 4-33-13-5.

36          *(k) (j)* This subsection does not apply to an entity receiving money  
37          under subsection ~~(e)~~. The treasurer of state shall pay that part of the  
38          riverboat admissions taxes that:

39                (1) exceeds a particular entity's base year revenue; and

40                (2) would otherwise be due to the entity under this section;

41          to the state general fund instead of to the entity.

42          SECTION 3. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2016]: **Sec. 8. (a) This section applies to tax revenue collected  
3 from a riverboat operating from Lake County.**

4 **(b) Except as provided by IC 6-3.1-20-7, the treasurer of state  
5 shall quarterly pay the following amounts from the taxes collected  
6 during the preceding calendar quarter from the riverboat  
7 operating from East Chicago:**

8 **(1) The lesser of:**

9 **(A) eight hundred seventy-five thousand dollars  
10 (\$875,000); or**

11 **(B) one dollar (\$1) of the admissions tax collected by the  
12 licensed owner for each person admitted to the riverboat  
13 during the preceding calendar quarter;**

14 **to the fiscal officer of the northwest Indiana regional  
15 development authority to partially satisfy East Chicago's  
16 funding obligation to the authority under IC 36-7.5-4-2.**

17 **(2) The lesser of:**

18 **(A) two hundred eighteen thousand seven hundred fifty  
19 dollars (\$218,750); or**

20 **(B) one dollar (\$1) of the admissions tax collected by the  
21 licensed owner for each person admitted to the riverboat  
22 during the preceding calendar quarter;**

23 **to the fiscal officer of the northwest Indiana regional  
24 development authority to partially satisfy Lake County's  
25 funding obligation to the authority under IC 36-7.5-4-2.**

26 **(3) Except as provided in section 9(g) of this chapter, the  
27 remainder, if any, of:**

28 **(A) one dollar (\$1) of the admissions tax collected by the  
29 licensed owner for each person admitted to the riverboat  
30 during the preceding calendar quarter; minus**

31 **(B) the amount distributed to the northwest Indiana  
32 regional development authority under subdivision (1) for  
33 the calendar quarter;**

34 **must be paid to the city of East Chicago.**

35 **(4) Except as provided in section 9(g) of this chapter, the  
36 remainder, if any, of:**

37 **(A) one dollar (\$1) of the admissions tax collected by the  
38 licensed owner for each person admitted to the riverboat  
39 during the preceding calendar quarter; minus**

40 **(B) the amount distributed to the northwest Indiana  
41 regional development authority under subdivision (2) for  
42 the calendar quarter;**



- 1 must be paid to Lake County.
- 2 (5) Except as provided in section 9(g) of this chapter, nine
- 3 cents (\$0.09) of the admissions tax collected by the licensed
- 4 owner for each person admitted to the riverboat during the
- 5 preceding calendar quarter must be paid to the county
- 6 convention and visitors bureau for Lake County.
- 7 (6) Except as provided in section 9(g) of this chapter, one cent
- 8 (\$0.01) of the admissions tax collected by the licensed owner
- 9 for each person admitted to the riverboat during the
- 10 preceding calendar quarter must be paid to the northwest
- 11 Indiana law enforcement training center.
- 12 (7) Except as provided in section 9(g) of this chapter, fifteen
- 13 cents (\$0.15) of the admissions tax collected by the licensed
- 14 owner for each person admitted to the riverboat during the
- 15 preceding calendar quarter must be paid to the state fair
- 16 commission for use in any activity that the commission is
- 17 authorized to carry out under IC 15-13-3.
- 18 (8) Except as provided in section 9(g) of this chapter, ten cents
- 19 (\$0.10) of the admissions tax collected by the licensed owner
- 20 for each person admitted to the riverboat during the
- 21 preceding calendar quarter must be paid to the division of
- 22 mental health and addiction.
- 23 (9) Sixty-five cents (\$0.65) of the admissions tax collected by
- 24 the licensed owner for each person admitted to the riverboat
- 25 during the preceding calendar quarter must be paid to the
- 26 state general fund.
- 27 (c) Except as provided by IC 6-3.1-20-7, the treasurer of state
- 28 shall quarterly pay the following amounts from the taxes collected
- 29 during the preceding calendar quarter from each riverboat
- 30 operating from Gary:
- 31 (1) The lesser of:
- 32 (A) four hundred thirty-seven thousand five hundred
- 33 dollars (\$437,500); or
- 34 (B) one dollar (\$1) of the admissions tax collected by the
- 35 licensed owner for each person admitted to the riverboat
- 36 during the preceding calendar quarter;
- 37 to the fiscal officer of the northwest Indiana regional
- 38 development authority to partially satisfy Gary's funding
- 39 obligation to the authority under IC 36-7.5-4-2.
- 40 (2) The lesser of:
- 41 (A) two hundred eighteen thousand seven hundred fifty
- 42 dollars (\$218,750); or



- 1           **(B) one dollar (\$1) of the admissions tax collected by the**  
 2           **licensed owner for each person admitted to the riverboat**  
 3           **during the preceding calendar quarter;**  
 4           **to the fiscal officer of the northwest Indiana regional**  
 5           **development authority to partially satisfy Lake County's**  
 6           **funding obligation to the authority under IC 36-7.5-4-2.**  
 7           **(3) Except as provided in section 9(g) of this chapter, the**  
 8           **remainder, if any, of:**  
 9               **(A) one dollar (\$1) of the admissions tax collected by the**  
 10              **licensed owner for each person admitted to a riverboat**  
 11              **operating from Gary during the preceding calendar**  
 12              **quarter; minus**  
 13              **(B) the amount distributed to the northwest Indiana**  
 14              **regional development authority under subdivision (1) for**  
 15              **the calendar quarter;**  
 16           **must be paid to the city of Gary.**  
 17           **(4) Except as provided in section 9(g) of this chapter, the**  
 18           **remainder, if any, of:**  
 19               **(A) one dollar (\$1) of the admissions tax collected by the**  
 20              **licensed owner for each person admitted to a riverboat**  
 21              **operating from Gary during the preceding calendar**  
 22              **quarter; minus**  
 23              **(B) the amount distributed to the northwest Indiana**  
 24              **regional development authority under subdivision (2) for**  
 25              **the calendar quarter;**  
 26           **must be paid to Lake County.**  
 27           **(5) Except as provided in section 9(g) of this chapter, nine**  
 28           **cents (\$0.09) of the admissions tax collected by the licensed**  
 29           **owner for each person admitted to a riverboat operating from**  
 30           **Gary during the preceding calendar quarter must be paid to**  
 31           **the county convention and visitors bureau for Lake County.**  
 32           **(6) Except as provided in section 9(g) of this chapter, one cent**  
 33           **(\$0.01) of the admissions tax collected by the licensed owner**  
 34           **for each person admitted to a riverboat operating from Gary**  
 35           **during the preceding calendar quarter must be paid to the**  
 36           **northwest Indiana law enforcement training center.**  
 37           **(7) Except as provided in section 9(g) of this chapter, fifteen**  
 38           **cents (\$0.15) of the admissions tax collected by the licensed**  
 39           **owner for each person admitted to a riverboat operating from**  
 40           **Gary during the preceding calendar quarter must be paid to**  
 41           **the state fair commission for use in any activity that the**  
 42           **commission is authorized to carry out under IC 15-13-3.**



1 (8) Except as provided in section 9(g) of this chapter, ten cents  
 2 (\$0.10) of the admissions tax collected by the licensed owner  
 3 for each person admitted to a riverboat operating from Gary  
 4 during the preceding calendar quarter must be paid to the  
 5 division of mental health and addiction.

6 (9) Sixty-five cents (\$0.65) of the admissions tax collected by  
 7 the licensed owner for each person admitted to a riverboat  
 8 operating from Gary during the preceding calendar quarter  
 9 must be paid to the state general fund.

10 (d) Except as provided by IC 6-3.1-20-7, the treasurer of state  
 11 shall quarterly pay the following amounts from the taxes collected  
 12 during the preceding calendar quarter from the riverboat  
 13 operating from Hammond:

14 (1) The lesser of:

15 (A) eight hundred seventy-five thousand dollars  
 16 (\$875,000); or

17 (B) one dollar (\$1) of the admissions tax collected by the  
 18 licensed owner for each person admitted to a riverboat  
 19 operating from Hammond during the preceding calendar  
 20 quarter;

21 to the fiscal officer of the northwest Indiana regional  
 22 development authority to partially satisfy Hammond's  
 23 funding obligation to the authority under IC 36-7.5-4-2.

24 (2) The lesser of:

25 (A) two hundred eighteen thousand seven hundred fifty  
 26 dollars (\$218,750); or

27 (B) one dollar (\$1) of the admissions tax collected by the  
 28 licensed owner for each person admitted to the riverboat  
 29 during the preceding calendar quarter;

30 to the fiscal officer of the northwest Indiana regional  
 31 development authority to partially satisfy Lake County's  
 32 funding obligation to the authority under IC 36-7.5-4-2.

33 (3) Except as provided in section 9(g) of this chapter, the  
 34 remainder, if any, of:

35 (A) one dollar (\$1) of the admissions tax collected by the  
 36 licensed owner for each person admitted to the riverboat  
 37 during the preceding calendar quarter; minus

38 (B) the amount distributed to the northwest Indiana  
 39 regional development authority under subdivision (1) for  
 40 the calendar quarter;

41 must be paid to the city of Hammond.

42 (4) Except as provided in section 9(g) of this chapter, the



- 1 remainder, if any, of:  
 2 (A) one dollar (\$1) of the admissions tax collected by the  
 3 licensed owner for each person admitted to the riverboat  
 4 during the preceding calendar quarter; minus  
 5 (B) the amount distributed to the northwest Indiana  
 6 regional development authority under subdivision (2) for  
 7 the calendar quarter;  
 8 must be paid to Lake County.  
 9 (5) Except as provided in section 9(g) of this chapter, nine  
 10 cents (\$0.09) of the admissions tax collected by the licensed  
 11 owner for each person admitted to the riverboat during the  
 12 preceding calendar quarter must be paid to the county  
 13 convention and visitors bureau for Lake County.  
 14 (6) Except as provided in section 9(g) of this chapter, one cent  
 15 (\$0.01) of the admissions tax collected by the licensed owner  
 16 for each person admitted to a riverboat during the preceding  
 17 calendar quarter must be paid to the northwest Indiana law  
 18 enforcement training center.  
 19 (7) Except as provided in section 9(g) of this chapter, fifteen  
 20 cents (\$0.15) of the admissions tax collected by the licensed  
 21 owner for each person admitted to the riverboat during the  
 22 preceding calendar quarter must be paid to the state fair  
 23 commission for use in any activity that the commission is  
 24 authorized to carry out under IC 15-13-3.  
 25 (8) Except as provided in section 9(g) of this chapter, ten cents  
 26 (\$0.10) of the admissions tax collected by the licensed owner  
 27 for each person admitted to the riverboat during the  
 28 preceding calendar quarter must be paid to the division of  
 29 mental health and addiction.  
 30 (9) Sixty-five cents (\$0.65) of the admissions tax collected by  
 31 the licensed owner for each person admitted to the riverboat  
 32 during the preceding calendar quarter must be paid to the  
 33 state general fund.  
 34 SECTION 4. IC 4-33-12-9 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 2016]: Sec. 9. (a) Money paid to a unit of local government under  
 37 section 6 or 8 of this chapter:  
 38 (1) must be paid to the fiscal officer of the unit and may be  
 39 deposited in the unit's general fund or riverboat fund  
 40 established under IC 36-1-8-9, or both;  
 41 (2) may not be used to reduce the unit's maximum levy under  
 42 IC 6-1.1-18.5 but may be used at the discretion of the unit to



1           reduce the property tax levy of the unit for a particular year;  
 2           (3) may be used for any legal or corporate purpose of the unit,  
 3           including the pledge of money to bonds, leases, or other  
 4           obligations under IC 5-1-14-4; and  
 5           (4) is considered miscellaneous revenue.

6           (b) Money paid by the treasurer of state to a county convention  
 7           and visitors bureau or promotion fund under section 6 of this  
 8           chapter must be:

9           (1) deposited in:

10           (A) the county convention and visitor promotion fund; or

11           (B) the county's general fund if the county does not have a  
 12           convention and visitor promotion fund; and

13           (2) used only for the tourism promotion, advertising, and  
 14           economic development activities of the county and  
 15           community.

16           (c) Money received by the division of mental health and  
 17           addiction under section 6 or 8 of this chapter:

18           (1) is annually appropriated to the division of mental health  
 19           and addiction;

20           (2) shall be distributed to the division of mental health and  
 21           addiction at times during each state fiscal year determined by  
 22           the budget agency; and

23           (3) shall be used by the division of mental health and addiction  
 24           for programs and facilities for the prevention and treatment  
 25           of addictions to drugs, alcohol, and compulsive gambling,  
 26           including the creation and maintenance of a toll free  
 27           telephone line to provide the public with information about  
 28           these addictions.

29           The division shall allocate at least twenty-five percent (25%) of the  
 30           money received to the prevention and treatment of compulsive  
 31           gambling.

32           (d) This subsection applies to the following entities receiving  
 33           money under section 6 or 8 of this chapter:

34           (1) A city or county.

35           (2) A county convention and visitors bureau or promotion  
 36           fund for a county other than Lake County.

37           (3) The state fair commission.

38           (4) The division of mental health and addiction.

39           The treasurer of state shall determine the total amount of money  
 40           paid by the treasurer of state to an entity subject to this subsection  
 41           during the state fiscal year 2002. The amount determined under  
 42           this subsection is the base year revenue for each entity subject to



1 this subsection. The treasurer of state shall certify the base year  
2 revenue determined under this subsection to each entity subject to  
3 this subsection.

4 (e) This subsection applies to the following entities receiving  
5 money under section 8 of this chapter:

6 (1) A county convention and visitors bureau for Lake County.

7 (2) The northwest Indiana law enforcement training center.

8 The treasurer of state shall determine the total amount of money  
9 paid by the treasurer of state to the entity described in subdivision  
10 (1) during state fiscal year 2002. The amount determined under  
11 this subsection multiplied by nine-tenths (0.9) is the base year  
12 revenue for the entity described in subdivision (1). The amount  
13 determined under this subsection multiplied by one-tenth (0.1) is  
14 the base year revenue for the entity described in subdivision (2).  
15 The treasurer of state shall certify the base year revenue  
16 determined under this subsection to each entity subject to this  
17 subsection.

18 (f) The total amount of money distributed to an entity under  
19 section 6 or 8 of this chapter during a state fiscal year may not  
20 exceed the entity's base year revenue as determined under  
21 subsection (d) or (e). For purposes of this section, the treasurer of  
22 state shall treat any amounts distributed under section 8 of this  
23 chapter to the northwest Indiana regional development authority  
24 as amounts constructively received by East Chicago, Gary,  
25 Hammond, and Lake County, as appropriate. If the treasurer of  
26 state determines that the total amount of money:

27 (1) distributed to an entity; and

28 (2) constructively received by an entity;

29 under section 6 or 8 of this chapter during a state fiscal year is less  
30 than the entity's base year revenue, the treasurer of state shall  
31 make a supplemental distribution to the entity under IC 4-33-13-5.

32 (g) The treasurer of state shall pay that part of the riverboat  
33 admissions taxes that:

34 (1) exceeds a particular entity's base year revenue; and

35 (2) would otherwise be due to the entity under this section;

36 to the state general fund instead of to the entity.

37 SECTION 5. IC 4-33-12.5-6, AS AMENDED BY P.L.255-2015,  
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2016]: Sec. 6. (a) The county described in ~~IC 4-33-12-6(c)~~  
40 Lake County shall distribute twenty-five percent (25%) of the:

41 (1) admissions tax revenue received by the county under  
42 ~~IC 4-33-12-6(c)(6)~~; IC 4-33-12-8; and



1 (2) supplemental distributions received under IC 4-33-13-5;  
2 to the eligible municipalities.

3 (b) The amount that shall be distributed by the county to each  
4 eligible municipality under subsection (a) is based on the eligible  
5 municipality's proportionate share of the total population of all eligible  
6 municipalities. The most current certified census information available  
7 shall be used to determine an eligible municipality's proportionate  
8 share under this subsection. The determination of proportionate shares  
9 under this subsection shall be modified under the following conditions:

10 (1) The certification from any decennial census completed by the  
11 United States Bureau of the Census.

12 (2) Submission by one (1) or more eligible municipalities of a  
13 certified special census commissioned by an eligible municipality  
14 and performed by the United States Bureau of the Census.

15 (c) If proportionate shares are modified under subsection (b),  
16 distribution to eligible municipalities shall change with the:

17 (1) payments beginning April 1 of the year following the  
18 certification of a special census under subsection (b)(2); and

19 (2) the next quarterly payment following the certification of a  
20 decennial census under subsection (b)(1).

21 SECTION 6. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013,  
22 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2016]: Sec. 7. The county shall make payments under this  
24 chapter directly to each eligible municipality. The county shall make  
25 payments to the eligible municipalities not more than thirty (30) days  
26 after the county receives the quarterly distribution of admission tax  
27 revenue under ~~IC 4-33-12-6~~ **IC 4-33-12-8** or the supplemental  
28 distributions received under IC 4-33-13-5 from the state.

29 SECTION 7. IC 4-33-13-5, AS AMENDED BY P.L.255-2015,  
30 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2016]: Sec. 5. (a) This subsection does not apply to tax  
32 revenue remitted by an operating agent operating a riverboat in a  
33 historic hotel district. After funds are appropriated under section 4 of  
34 this chapter, each month the treasurer of state shall distribute the tax  
35 revenue deposited in the state gaming fund under this chapter to the  
36 following:

37 (1) The first thirty-three million dollars (\$33,000,000) of tax  
38 revenues collected under this chapter shall be set aside for  
39 revenue sharing under subsection (e).

40 (2) Subject to subsection (c), twenty-five percent (25%) of the  
41 remaining tax revenue remitted by each licensed owner shall be  
42 paid:



- 1 (A) to the city that is designated as the home dock of the  
 2 riverboat from which the tax revenue was collected, in the case  
 3 of:  
 4 (i) a city described in IC 4-33-12-6(b)(1)(A); or  
 5 (ii) a city located in a county having a population of more  
 6 than four hundred thousand (400,000) but less than seven  
 7 hundred thousand (700,000); or  
 8 (B) to the county that is designated as the home dock of the  
 9 riverboat from which the tax revenue was collected, in the case  
 10 of a riverboat whose home dock is not in a city described in  
 11 clause (A).
- 12 (3) Subject to subsection (d), the remainder of the tax revenue  
 13 remitted by each licensed owner shall be paid to the state general  
 14 fund. In each state fiscal year, the treasurer of state shall make the  
 15 transfer required by this subdivision not later than the last  
 16 business day of the month in which the tax revenue is remitted to  
 17 the state for deposit in the state gaming fund. However, if tax  
 18 revenue is received by the state on the last business day in a  
 19 month, the treasurer of state may transfer the tax revenue to the  
 20 state general fund in the immediately following month.
- 21 (b) This subsection applies only to tax revenue remitted by an  
 22 operating agent operating a riverboat in a historic hotel district after  
 23 June 30, 2015. After funds are appropriated under section 4 of this  
 24 chapter, each month the treasurer of state shall distribute the tax  
 25 revenue remitted by the operating agent under this chapter as follows:  
 26 (1) Fifty-six and five-tenths percent (56.5%) shall be paid to the  
 27 state general fund.  
 28 (2) Forty-three and five-tenths percent (43.5%) shall be paid as  
 29 follows:  
 30 (A) Twenty-two and four-tenths percent (22.4%) shall be paid  
 31 as follows:  
 32 (i) Fifty percent (50%) to the fiscal officer of the town of  
 33 French Lick.  
 34 (ii) Fifty percent (50%) to the fiscal officer of the town of  
 35 West Baden Springs.  
 36 (B) Fourteen and eight-tenths percent (14.8%) shall be paid to  
 37 the county treasurer of Orange County for distribution among  
 38 the school corporations in the county. The governing bodies  
 39 for the school corporations in the county shall provide a  
 40 formula for the distribution of the money received under this  
 41 clause among the school corporations by joint resolution  
 42 adopted by the governing body of each of the school



1 corporations in the county. Money received by a school  
 2 corporation under this clause must be used to improve the  
 3 educational attainment of students enrolled in the school  
 4 corporation receiving the money. Not later than the first  
 5 regular meeting in the school year of a governing body of a  
 6 school corporation receiving a distribution under this clause,  
 7 the superintendent of the school corporation shall submit to  
 8 the governing body a report describing the purposes for which  
 9 the receipts under this clause were used and the improvements  
 10 in educational attainment realized through the use of the  
 11 money. The report is a public record.

12 (C) Thirteen and one-tenth percent (13.1%) shall be paid to the  
 13 county treasurer of Orange County.

14 (D) Five and three-tenths percent (5.3%) shall be distributed  
 15 quarterly to the county treasurer of Dubois County for  
 16 appropriation by the county fiscal body after receiving a  
 17 recommendation from the county executive. The county fiscal  
 18 body for the receiving county shall provide for the distribution  
 19 of the money received under this clause to one (1) or more  
 20 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 21 a formula established by the county fiscal body after receiving  
 22 a recommendation from the county executive.

23 (E) Five and three-tenths percent (5.3%) shall be distributed  
 24 quarterly to the county treasurer of Crawford County for  
 25 appropriation by the county fiscal body after receiving a  
 26 recommendation from the county executive. The county fiscal  
 27 body for the receiving county shall provide for the distribution  
 28 of the money received under this clause to one (1) or more  
 29 taxing units (as defined in IC 6-1.1-1-21) in the county under  
 30 a formula established by the county fiscal body after receiving  
 31 a recommendation from the county executive.

32 (F) Six and thirty-five hundredths percent (6.35%) shall be  
 33 paid to the fiscal officer of the town of Paoli.

34 (G) Six and thirty-five hundredths percent (6.35%) shall be  
 35 paid to the fiscal officer of the town of Orleans.

36 (H) Twenty-six and four-tenths percent (26.4%) shall be paid  
 37 to the Indiana economic development corporation established  
 38 by IC 5-28-3-1 for transfer to Radius Indiana or a successor  
 39 regional entity or partnership for the development and  
 40 implementation of a regional economic development strategy  
 41 to assist the residents of Orange County and the counties  
 42 contiguous to Orange County in improving their quality of life



1 and to help promote successful and sustainable communities.  
 2 However, an amount sufficient to meet current obligations to  
 3 retire or refinance indebtedness or leases for which tax  
 4 revenues under this section were pledged before January 1,  
 5 2015, by the Orange County development commission shall be  
 6 paid to the Orange County development commission before  
 7 making a distribution to Radius Indiana or a successor regional  
 8 entity or partnership. The amount paid to the Orange County  
 9 development commission reduces the amount payable to  
 10 Radius Indiana or its successor entity or partnership.

11 (c) For each city and county receiving money under subsection  
 12 (a)(2), the treasurer of state shall determine the total amount of money  
 13 paid by the treasurer of state to the city or county during the state fiscal  
 14 year 2002. The amount determined is the base year revenue for the city  
 15 or county. The treasurer of state shall certify the base year revenue  
 16 determined under this subsection to the city or county. The total  
 17 amount of money distributed to a city or county under this section  
 18 during a state fiscal year may not exceed the entity's base year revenue.  
 19 For each state fiscal year, the treasurer of state shall pay that part of the  
 20 riverboat wagering taxes that:

- 21 (1) exceeds a particular city's or county's base year revenue; and
- 22 (2) would otherwise be due to the city or county under this
- 23 section;

24 to the state general fund instead of to the city or county.

25 (d) Each state fiscal year the treasurer of state shall transfer from the  
 26 tax revenue remitted to the state general fund under subsection (a)(3)  
 27 to the build Indiana fund an amount that when added to the following  
 28 may not exceed two hundred fifty million dollars (\$250,000,000):

- 29 (1) Surplus lottery revenues under IC 4-30-17-3.
- 30 (2) Surplus revenue from the charity gaming enforcement fund
- 31 under IC 4-32.2-7-7.
- 32 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

33 The treasurer of state shall make transfers on a monthly basis as needed  
 34 to meet the obligations of the build Indiana fund. If in any state fiscal  
 35 year insufficient money is transferred to the state general fund under  
 36 subsection (a)(3) to comply with this subsection, the treasurer of state  
 37 shall reduce the amount transferred to the build Indiana fund to the  
 38 amount available in the state general fund from the transfers under  
 39 subsection (a)(3) for the state fiscal year.

40 (e) Before August 15 of each year, the treasurer of state shall  
 41 distribute the wagering taxes set aside for revenue sharing under  
 42 subsection (a)(1) to the county treasurer of each county that does not



1 have a riverboat according to the ratio that the county's population  
 2 bears to the total population of the counties that do not have a  
 3 riverboat. Except as provided in subsection (h), the county auditor shall  
 4 distribute the money received by the county under this subsection as  
 5 follows:

6 (1) To each city located in the county according to the ratio the  
 7 city's population bears to the total population of the county.

8 (2) To each town located in the county according to the ratio the  
 9 town's population bears to the total population of the county.

10 (3) After the distributions required in subdivisions (1) and (2) are  
 11 made, the remainder shall be retained by the county.

12 (f) Money received by a city, town, or county under subsection (e)  
 13 or (h) may be used for any of the following purposes:

14 (1) To reduce the property tax levy of the city, town, or county for  
 15 a particular year (a property tax reduction under this subdivision  
 16 does not reduce the maximum levy of the city, town, or county  
 17 under IC 6-1.1-18.5).

18 (2) For deposit in a special fund or allocation fund created under  
 19 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and  
 20 IC 36-7-30 to provide funding for debt repayment.

21 (3) To fund sewer and water projects, including storm water  
 22 management projects.

23 (4) For police and fire pensions.

24 (5) To carry out any governmental purpose for which the money  
 25 is appropriated by the fiscal body of the city, town, or county.  
 26 Money used under this subdivision does not reduce the property  
 27 tax levy of the city, town, or county for a particular year or reduce  
 28 the maximum levy of the city, town, or county under  
 29 IC 6-1.1-18.5.

30 (g) Before ~~September~~ **July** 15 of each year, the treasurer of state  
 31 shall determine the total amount of money distributed to an entity under  
 32 IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year. If  
 33 the treasurer of state determines that the total amount of money  
 34 distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the  
 35 preceding state fiscal year was less than the entity's base year revenue  
 36 (as determined under ~~IC 4-33-12-6~~, **IC 4-33-12-9**), the treasurer of  
 37 state shall make a supplemental distribution to the entity from taxes  
 38 collected under this chapter and deposited into the state general fund.  
 39 Except as provided in subsection (i), the amount of an entity's  
 40 supplemental distribution is equal to:

41 (1) the entity's base year revenue (as determined under  
 42 ~~IC 4-33-12-6~~; **IC 4-33-12-9**); minus



- 1 (2) the sum of:
- 2 (A) the total amount of money distributed to the entity and
- 3 constructively received by the entity during the preceding state
- 4 fiscal year under IC 4-33-12-6 **or IC 4-33-12-8**; plus
- 5 (B) the amount of any admissions taxes deducted under
- 6 IC 6-3.1-20-7.
- 7 (h) This subsection applies only to a county containing a
- 8 consolidated city. The county auditor shall distribute the money
- 9 received by the county under subsection (e) as follows:
- 10 (1) To each city, other than a consolidated city, located in the
- 11 county according to the ratio that the city's population bears to the
- 12 total population of the county.
- 13 (2) To each town located in the county according to the ratio that
- 14 the town's population bears to the total population of the county.
- 15 (3) After the distributions required in subdivisions (1) and (2) are
- 16 made, the remainder shall be paid in equal amounts to the
- 17 consolidated city and the county.
- 18 (i) This subsection applies to a supplemental distribution made after
- 19 June 30, 2013. The maximum amount of money that may be distributed
- 20 under subsection (g) in a state fiscal year is forty-eight million dollars
- 21 (\$48,000,000). If the total amount determined under subsection (g)
- 22 exceeds forty-eight million dollars (\$48,000,000), the amount
- 23 distributed to an entity under subsection (g) must be reduced according
- 24 to the ratio that the amount distributed to the entity under IC 4-33-12-6
- 25 **or IC 4-33-12-8** bears to the total amount distributed under
- 26 IC 4-33-12-6 **and IC 4-33-12-8** to all entities receiving a supplemental
- 27 distribution.
- 28 (j) This subsection applies to a supplemental distribution, if any,
- 29 payable to Lake County, Hammond, Gary, or East Chicago under
- 30 subsections (g) and (i). Beginning in ~~September~~ **July** 2016, the
- 31 treasurer of state shall, after making any deductions from the
- 32 supplemental distribution required by IC 6-3.1-20-7, deduct from the
- 33 remainder of the supplemental distribution otherwise payable to the
- 34 unit under this section the lesser of:
- 35 (1) the remaining amount of the supplemental distribution; or
- 36 (2) the difference, if any, between:
- 37 (A) three million five hundred thousand dollars (\$3,500,000);
- 38 minus
- 39 (B) the amount of admissions taxes constructively received by
- 40 the unit in the previous state fiscal year.
- 41 The treasurer of state shall distribute the amounts deducted under this
- 42 subsection to the northwest Indiana redevelopment authority



1 established under IC 36-7.5-2-1 for deposit in the development  
2 authority fund established under IC 36-7.5-4-1.

3 (k) Money distributed to a political subdivision under subsection  
4 (b):

5 (1) must be paid to the fiscal officer of the political subdivision  
6 and may be deposited in the political subdivision's general fund  
7 or riverboat fund established under IC 36-1-8-9, or both;

8 (2) may not be used to reduce the maximum levy under  
9 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate  
10 of a school corporation, but, except as provided in subsection  
11 (b)(2)(B), may be used at the discretion of the political  
12 subdivision to reduce the property tax levy of the county, city, or  
13 town for a particular year;

14 (3) except as provided in subsection (b)(2)(B), may be used for  
15 any legal or corporate purpose of the political subdivision,  
16 including the pledge of money to bonds, leases, or other  
17 obligations under IC 5-1-14-4; and

18 (4) is considered miscellaneous revenue.

19 Money distributed under subsection (b)(2)(B) must be used for the  
20 purposes specified in subsection (b)(2)(B).

21 SECTION 8. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015,  
22 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 UPON PASSAGE]: Sec. 18. (a) As used in this section, "capital  
24 improvement board" refers to a capital improvement board established  
25 under IC 36-10-9.

26 (b) To qualify for an investment under this section, the capital  
27 improvement board must apply to the treasurer of state in the form and  
28 manner required by the treasurer. As part of the application, the capital  
29 improvement board shall submit a plan for its use of the investment  
30 proceeds and for the repayment of the capital improvement board's  
31 obligation to the treasurer. Within sixty (60) days after receipt of each  
32 application, the treasurer shall consider the application and review its  
33 accuracy and completeness.

34 (c) If the capital improvement board makes an application under  
35 subsection (b) and the treasurer approves the accuracy and  
36 completeness of the application and determines that there is an  
37 adequate method of payment for the capital improvement board's  
38 obligations, the treasurer of state shall invest or reinvest funds that are  
39 held by the treasurer and that are available for investment in  
40 obligations issued by the capital improvement board for the purposes  
41 of the capital improvement board in calendar years 2009, 2010, and  
42 2011. The investment may not exceed nine million dollars (\$9,000,000)



1 per calendar year for 2009, 2010, and 2011.

2 (d) The treasurer of state shall determine the terms of each  
3 investment and the capital improvement board's obligation, which must  
4 include the following:

5 (1) Subject to subsections (f) and (g), the duration of the capital  
6 improvement board's obligation, which must be for a term of ten  
7 (10) years with an option for the capital improvement board to  
8 pay its obligation to the treasurer early without penalty.

9 (2) Subject to subsections (f) and (g), the repayment schedule of  
10 the capital improvement board's obligation, which must provide  
11 that no payments are due before January 1, 2013.

12 (3) A rate of interest to be determined by the treasurer.

13 (4) The amount of each investment, which may not exceed the  
14 maximum amounts established for the capital improvement board  
15 by this section.

16 (5) Any other conditions specified by the treasurer.

17 (e) The capital improvement board may issue obligations under this  
18 section by adoption of a resolution and, as set forth in IC 5-1-14, may  
19 use any source of revenue to satisfy the obligation to the treasurer of  
20 state under this section. This section constitutes complete authority for  
21 the capital improvement board to issue obligations to the treasurer. If  
22 the capital improvement board fails to make any payments on the  
23 capital improvement board's obligation to the treasurer, the amount  
24 payable shall be withheld by the auditor of state from any other money  
25 payable to the capital improvement board. The amount withheld shall  
26 be transferred to the treasurer to the credit of the capital improvement  
27 board.

28 (f) Subject to subsection (g), if all principal and interest on the  
29 obligations issued by the capital improvement board under this section  
30 in calendar year 2009, are paid before July 1, 2015, the term of the  
31 obligations issued by the capital improvement board to the treasurer of  
32 state in calendar year 2010 is extended until 2025. **The treasurer of  
33 state shall discharge any remaining unpaid interest on the  
34 obligation issued by the capital improvement board to the  
35 treasurer of state in 2009, if the capital improvement board  
36 submits payment of the principal amount to the treasurer of state  
37 before the stated final maturity of that obligation.**

38 (g) This subsection applies if the capital improvement board before  
39 July 1, 2015, adopts a resolution:

40 (1) to establish a bid fund to be used to assist the capital  
41 improvement board, the Indianapolis Convention and Visitors  
42 Association (VisitIndy), or the Indiana Sports Corporation in



1           securing conventions, sporting events, and other special events;  
 2           and  
 3           (2) to designate that principal and interest payments that would  
 4           otherwise be made on the obligation issued by the capital  
 5           improvement board under this section in calendar year 2010 shall  
 6           instead be deposited in the bid fund.

7           If the requirements of subdivisions (1) and (2) are satisfied and the  
 8           capital improvement board deposits in the bid fund amounts equal to  
 9           the principal and interests payments that would otherwise be made  
 10          under the repayment schedule on the obligations issued by the capital  
 11          improvement board under this section in calendar year 2010, the capital  
 12          improvement board is not required to make those principal and  
 13          interests payments to the treasurer of state at the time required under  
 14          the repayment schedule. The amounts must be deposited in the bid  
 15          fund not later than the time the principal and interest payments would  
 16          otherwise be due to the treasurer of state under the repayment schedule.  
 17          The state board of accounts shall annually examine the bid fund to  
 18          determine the amount of deposits made to the bid fund under this  
 19          subsection and to ensure that the money deposited in the bid fund is  
 20          used only for purposes authorized by this subsection. To the extent that  
 21          the capital improvement board does not deposit in the bid fund an  
 22          amount equal to a payment of principal and interest that would  
 23          otherwise be due under the repayment schedule on the obligations  
 24          issued by the capital improvement board under this section in calendar  
 25          year 2010, the capital improvement board must make that payment of  
 26          principal and interest to the treasurer of state as provided in this  
 27          section. If the capital improvement board deposits in the bid fund  
 28          amounts equal to the payments of principal and interest that would  
 29          otherwise be due under the repayment schedule on the obligations  
 30          issued by the capital improvement board under this section in calendar  
 31          year 2010, the capital improvement board is only required to repay to  
 32          the treasurer of state the principal amount of the obligation.

33          SECTION 9. IC 5-28-15-5, AS AMENDED BY P.L.288-2013,  
 34          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35          JANUARY 1, 2017]: Sec. 5. (a) The board has the following powers,  
 36          in addition to other powers that are contained in this chapter:

37               (1) To review and approve or reject all applicants for enterprise  
 38               zone designation, according to the criteria for designation that this  
 39               chapter provides.

40               (2) To waive or modify rules as provided in this chapter.

41               (3) To provide a procedure by which enterprise zones may be  
 42               monitored and evaluated on an annual basis.



- 1 (4) To adopt rules for the disqualification of a zone business from
- 2 eligibility for any or all incentives available to zone businesses,
- 3 if that zone business does not do one (1) of the following:
- 4 (A) If all its incentives, as contained in the summary required
- 5 under section 7 of this chapter, exceed one thousand dollars
- 6 (\$1,000) in any year, pay a registration fee to the board in an
- 7 amount equal to one percent (1%) of all its incentives.
- 8 (B) Use all its incentives, except for the amount of the
- 9 registration fee, for its property or employees in the zone.
- 10 (C) Remain open and operating as a zone business for twelve
- 11 (12) months of the assessment year for which the incentive is
- 12 claimed.
- 13 (5) To disqualify a zone business from eligibility for any or all
- 14 incentives available to zone businesses in accordance with the
- 15 procedures set forth in the board's rules.
- 16 (6) After a recommendation from a U.E.A., to modify an
- 17 enterprise zone boundary if the board determines that the
- 18 modification:
- 19 (A) is in the best interests of the zone; and
- 20 (B) meets the threshold criteria and factors set forth in section
- 21 9 of this chapter.
- 22 (7) To employ staff and contract for services.
- 23 (8) To receive funds from any source and expend the funds for the
- 24 administration and promotion of the enterprise zone program.
- 25 (9) To ~~make determinations~~ **enter into agreements** under
- 26 IC 6-3.1-11 ~~concerning the designation of locations as industrial~~
- 27 ~~recovery sites.~~ **with an applicant for a tax credit under that**
- 28 **chapter.**
- 29 (10) To make determinations under IC 6-3.1-11 concerning the
- 30 disqualification of persons from claiming credits provided by that
- 31 chapter in appropriate cases.
- 32 (b) In addition to a registration fee paid under subsection (a)(4)(A),
- 33 each zone business that receives an incentive described in section 3 of
- 34 this chapter shall assist the zone U.E.A. in an amount determined by
- 35 the legislative body of the municipality in which the zone is located. If
- 36 a zone business does not assist a U.E.A., the legislative body of the
- 37 municipality in which the zone is located may pass an ordinance
- 38 disqualifying a zone business from eligibility for all credits or
- 39 incentives available to zone businesses. If a legislative body
- 40 disqualifies a zone business under this subsection, the legislative body
- 41 shall notify the board, the department of local government finance, and
- 42 the department of state revenue in writing not more than thirty (30)



1 days after the passage of the ordinance disqualifying the zone business.  
 2 Disqualification of a zone business under this section is effective  
 3 beginning with the taxable year in which the ordinance disqualifying  
 4 the zone business is adopted.

5 SECTION 10. IC 6-1.1-4-43 IS REPEALED [EFFECTIVE  
 6 JANUARY 1, 2016 (RETROACTIVE)]. Sec. 43: (a) This section  
 7 applies to a real property assessment for:

8 (1) the 2014 assessment date and assessment dates thereafter; and

9 (2) real property that is:

10 (A) a limited market or special purpose property that would  
 11 commonly be regarded as a big box retail building under  
 12 standard appraisal practices and is at least fifty thousand  
 13 (50,000) square feet; and

14 (B) occupied by the original owner or by a tenant for which the  
 15 improvement was built.

16 (b) This section does not to apply to the assessment of multi-tenant  
 17 income producing shopping centers (as defined by the Appraisal  
 18 Institute Dictionary of Real Estate Appraisal (5th Edition)).

19 (c) In determining the true tax value of real property under this  
 20 section which has improvements with an effective age is ten (10) years  
 21 or less under the rules of the department, assessing officials shall apply  
 22 the cost approach, less depreciation and obsolescence under the rules  
 23 and guidelines of the department. For purposes of this subsection, the  
 24 land value shall be assessed separately. The assessed value of the land  
 25 underlying the improvements assessed under this section may be  
 26 assessed or challenged based on the market value of comparable land.

27 (d) This subsection applies to a taxpayer that files a notice under  
 28 IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment  
 29 of the taxpayer's real property that is subject to this section. If the  
 30 effective age of the improvements is ten (10) years or less under the  
 31 rules of the department, a taxpayer must provide to the appropriate  
 32 county or township assessing official information concerning the actual  
 33 construction costs for the real property. Notwithstanding IC 6-1.1-15,  
 34 if a taxpayer does not provide all relevant and reasonably available  
 35 information concerning the actual construction costs for the real  
 36 property before the hearing scheduled by the county property tax  
 37 assessment board of appeals regarding the assessment of the real  
 38 property, the appeal may not be reviewed until all the information is  
 39 provided. If a taxpayer does provide the information concerning the  
 40 actual construction costs for the real property and the construction costs  
 41 for the real property are greater than the cost values determined by  
 42 using the cost tables under the rules and guidelines of the department



1 of local government finance, then the for purposes of applying the cost  
 2 approach under subsection (b) or (c) the depreciation and obsolescence  
 3 shall be deducted from the construction costs rather than the than the  
 4 cost values determined by using the cost tables under the rules and  
 5 guidelines of the department of local government finance.

6 SECTION 11. IC 6-1.1-4-43.5 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. (a) This section applies**  
 9 **to a real property assessment for:**

10 (1) the 2016 assessment date and assessment dates thereafter;  
 11 and

12 (2) real property that is:

13 (A) a limited market or special purpose property that  
 14 would commonly be regarded as a big box retail building  
 15 under standard appraisal practices and is at least fifty  
 16 thousand (50,000) square feet; and

17 (B) occupied by the original owner or by a tenant for  
 18 which the improvement was built.

19 (b) If a taxpayer files a notice under IC 6-1.1-15 after March 31,  
 20 2016, requesting a review of the assessment of the taxpayer's real  
 21 property that is subject to this section, and the effective age of the  
 22 improvements is ten (10) years or less under the rules of the  
 23 department, a taxpayer must provide to the appropriate county or  
 24 township assessing official information concerning the actual  
 25 construction costs for the real property. Notwithstanding  
 26 IC 6-1.1-15, if a taxpayer does not provide all relevant and  
 27 reasonably available information concerning the actual  
 28 construction costs for the real property before the hearing  
 29 scheduled by the county property tax assessment board of appeals  
 30 regarding the assessment of the real property, the appeal may not  
 31 be reviewed until all the information is provided. If a taxpayer does  
 32 provide the information concerning the actual construction costs  
 33 for the real property, and the construction costs for the real  
 34 property are greater than the cost values determined by using the  
 35 cost tables under the rules and guidelines of the department of  
 36 local government finance, then for purposes of applying the cost  
 37 approach the depreciation and obsolescence shall be deducted from  
 38 the construction costs rather than the cost values determined by  
 39 using the cost tables under the rules and guidelines of the  
 40 department of local government finance.

41 SECTION 12. IC 6-1.1-4-44 IS REPEALED [EFFECTIVE  
 42 JANUARY 1, 2016 (RETROACTIVE)]. **Sec. 44. (a) This section**



1 applies to a real property assessment of commercial nonincome  
2 producing real property, including a sale-leaseback property, for:

- 3 (1) the 2014 assessment date and assessment dates thereafter; or  
4 (2) any assessment date, if an assessment appeal is pending before  
5 the county property tax assessment board of appeals or the board  
6 of tax review.

7 (b) This section does not to apply to the assessment of multi-tenant  
8 income producing shopping centers (as defined by the Appraisal  
9 Institute Dictionary of Real Estate Appraisal (5th Edition)).

10 (c) As used in this section, "sale-leaseback" means a transaction in  
11 which one (1) party sells a property to a buyer, and the buyer leases the  
12 property back to the seller.

13 (d) In determining the true tax value of real property under this  
14 section which has improvements with an effective age of ten (10) years  
15 or less under the rules of the department, a comparable real property  
16 sale may not be used if the comparable real property:

- 17 (1) has been vacant for more than one (1) year as of the  
18 assessment date or in the case of industrial property vacant for  
19 more than five (5) years;  
20 (2) has significant restrictions placed on the use of the real  
21 property by a recorded covenant, restriction, easement, or other  
22 encumbrance on the use of the real property;  
23 (3) was sold and is no longer used for the purpose, or a similar  
24 purpose, for which the property was used by the original occupant  
25 or tenant; or  
26 (4) was not sold in an arm's length transaction.

27 SECTION 13. IC 6-1.1-15-0.7 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2016]: **Sec. 0.7. A holder of a tax sale  
30 certificate under IC 6-1.1-24 does not have an interest in tangible  
31 property for purposes of obtaining a review or bringing an appeal  
32 of an assessment of property under this chapter.**

33 SECTION 14. IC 6-1.1-31-6, AS AMENDED BY P.L.154-2006,  
34 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JANUARY 1, 2016 (RETROACTIVE)]: Sec. 6. (a) With respect to the  
36 assessment of real property, the rules of the department of local  
37 government finance shall provide for:

- 38 (1) the classification of land on the basis of:  
39 (i) (A) acreage;  
40 (ii) (B) lots;  
41 (iii) (C) size;  
42 (iv) (D) location;



- 1           ~~(v)~~ **(E)** use;
- 2           ~~(vi)~~ **(F)** productivity or earning capacity;
- 3           ~~(vii)~~ **(G)** applicable zoning provisions;
- 4           ~~(viii)~~ **(H)** accessibility to highways, sewers, and other public
- 5           services or facilities; and
- 6           ~~(ix)~~ **(I)** any other factor that the department determines by rule
- 7           is just and proper; and
- 8           (2) the classification of improvements on the basis of:
- 9           ~~(i)~~ **(A)** size;
- 10           ~~(ii)~~ **(B)** location;
- 11           ~~(iii)~~ **(C)** use;
- 12           ~~(iv)~~ **(D)** type and character of construction;
- 13           ~~(v)~~ **(E)** age;
- 14           ~~(vi)~~ **(F)** condition;
- 15           ~~(vii)~~ **(G)** cost of reproduction; **and**
- 16           **(H) market segmentation; and**
- 17           ~~(viii)~~ **(I)** any other factor that the department determines by
- 18           rule is just and proper.
- 19           (b) With respect to the assessment of real property, the rules of the
- 20           department of local government finance shall include instructions for
- 21           determining:
- 22           (1) the proper classification of real property;
- 23           (2) the size of real property;
- 24           (3) the effects that location and use have on the value of real
- 25           property;
- 26           (4) the productivity or earning capacity of:
- 27           (A) agricultural land; and
- 28           (B) real property regularly used to rent or otherwise furnish
- 29           residential accommodations for periods of thirty (30) days or
- 30           more;
- 31           (5) sales data for generally comparable properties; and
- 32           (6) the true tax value of real property based on the factors listed
- 33           in this subsection and any other factor that the department
- 34           determines by rule is just and proper.
- 35           (c) With respect to the assessment of real property, true tax value
- 36           does not mean fair market value. ~~Subject to this article, true tax value~~
- 37           ~~is the value determined under the rules of the department of local~~
- 38           ~~government finance.~~
- 39           **(d) With respect to the assessment of an improved property, a**
- 40           **valuation does not reflect the true tax value of the improved**
- 41           **property if the purportedly comparable sale properties supporting**
- 42           **the valuation have a different market or submarket than the**



1 current use of the improved property, based on a market  
 2 segmentation analysis. Any market segmentation analysis must be  
 3 conducted in conformity with generally accepted appraisal  
 4 principles and is not limited to the categories of markets and  
 5 submarkets enumerated in the rules or guidance materials adopted  
 6 by the department of local government finance.

7 (e) True tax value does not mean the value of the property to the  
 8 user.

9 (f) Subject to this article, true tax value shall be determined  
 10 under the rules of the department of local government finance. The  
 11 department's rules may include examples to illustrate true tax  
 12 value.

13 SECTION 15. IC 6-2.5-3-7.5 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a**  
 16 **retail merchant if:**

17 (1) the retail merchant obtains the information described in  
 18 section 7(c)(1) through 7(c)(3) of this chapter from a person  
 19 purchasing tangible personal property for use or consumption  
 20 in providing public transportation under IC 6-2.5-5-27; and

21 (2) the person purchasing the tangible personal property  
 22 provides to the retail merchant the signed affirmation  
 23 required under section 7(c) of this chapter.

24 (b) Except as provided in subsection (c), the following apply to  
 25 a retail merchant that meets the requirements of subsection (a):

26 (1) Based on the information described in section 7(c)(1)  
 27 through 7(c)(3) of this chapter and the signed affirmation  
 28 required under section 7(c) of this chapter, the retail  
 29 merchant is entitled to assume that the person purchasing the  
 30 tangible personal property:

31 (A) will use the tangible personal property for an exempt  
 32 purpose; or

33 (B) will make the determination regarding whether use tax  
 34 is due on the storage, use, or consumption of the tangible  
 35 personal property, and will pay any use tax that is due on  
 36 the storage, use, or consumption of the tangible personal  
 37 property.

38 (2) The retail merchant is not liable for a failure to collect any  
 39 use tax that may be due on the storage, use, or consumption  
 40 of the tangible personal property.

41 (c) Subsection (b) does not apply to a retail merchant if the  
 42 retail merchant's reliance on the information described in section



1 **7(c)(1) through 7(c)(3) of this chapter and the signed affirmation**  
 2 **required under section 7(c) of this chapter was unreasonable. The**  
 3 **department has the burden of proving that the retail merchant's**  
 4 **reliance on the information described in section 7(c)(1) through**  
 5 **7(c)(3) of this chapter and the signed affirmation required under**  
 6 **section 7(c) of this chapter was unreasonable.**

7 SECTION 16. IC 6-3.1-11-1, AS AMENDED BY P.L.288-2013,  
 8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JANUARY 1, 2017]: Sec. 1. As used in this chapter, "applicable  
 10 percentage" means the percentage determined as follows:

11 (1) If a plant ~~that is located on an industrial recovery site~~ was  
 12 placed in service at least fifteen (15) years ago but less than thirty  
 13 (30) years ago, the applicable percentage is fifteen percent (15%).

14 (2) If a plant ~~that is located on an industrial recovery site~~ was  
 15 placed in service at least thirty (30) years ago but less than forty  
 16 (40) years ago, the applicable percentage is twenty percent (20%).

17 (3) If a plant ~~that is located on an industrial recovery site~~ was  
 18 placed in service at least forty (40) years ago, the applicable  
 19 percentage is twenty-five percent (25%).

20 The time that has expired since a plant was placed in service shall be  
 21 determined as of the date that an application is filed with the  
 22 corporation. ~~for designation of the location as an industrial recovery~~  
 23 ~~site under this chapter. However, in the case of an industrial~~  
 24 **recovery site described in section 5(2) of this chapter, the time that**  
 25 **has expired since a plant was placed in service shall be determined**  
 26 **as of the date on which the demolition of the vacant plant was**  
 27 **completed.**

28 SECTION 17. IC 6-3.1-11-3 IS REPEALED [EFFECTIVE  
 29 JANUARY 1, 2017]. Sec. 3: ~~As used in this chapter, "executive" has~~  
 30 ~~the meaning set forth in IC 36-1-2-5.~~

31 SECTION 18. IC 6-3.1-11-5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this  
 33 chapter, "industrial recovery site" means ~~an industrial recovery site~~  
 34 ~~designated under this chapter. land on which a vacant plant having~~  
 35 **at least one hundred thousand (100,000) square feet of total floor**  
 36 **space:**

37 (1) exists as of the date an application is filed with the  
 38 corporation under this chapter and was placed in service at  
 39 least fifteen (15) years before the date on which an application  
 40 is filed with the corporation under this chapter; or

41 (2) existed within five (5) years before the date an application  
 42 is filed with the corporation under this chapter and was



- 1           **placed in service at least fifteen (15) years before the date on**  
 2           **which the demolition of the vacant plant was completed.**
- 3           SECTION 19. IC 6-3.1-11-6 IS REPEALED [EFFECTIVE  
 4 JANUARY 1, 2017]. ~~Sec. 6: As used in this chapter, "legislative body"~~  
 5 ~~has the meaning set forth in IC 36-1-2-9.~~
- 6           SECTION 20. IC 6-3.1-11-7 IS REPEALED [EFFECTIVE  
 7 JANUARY 1, 2017]. ~~Sec. 7: As used in this chapter, "municipality" has~~  
 8 ~~the meaning set forth in IC 36-1-2-11.~~
- 9           SECTION 21. IC 6-3.1-11-15 IS REPEALED [EFFECTIVE  
 10 JANUARY 1, 2017]. ~~Sec. 15: As used in this chapter, "vacant~~  
 11 ~~industrial facility" means a tract of land on which there is located a~~  
 12 ~~plant that:~~
- 13           (1) has:
- 14               (A) for taxable years beginning after December 31, 2010; and  
 15               beginning before January 1, 2015; at least fifty thousand  
 16               (50,000) square feet of floor space; or
- 17               (B) for taxable years beginning after December 31, 2014; at  
 18               least one hundred thousand (100,000) square feet of floor  
 19               space; and
- 20           (2) was placed in service at least fifteen (15) years ago.
- 21           SECTION 22. IC 6-3.1-11-16 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) **Subject**  
 23 **to entering into an agreement with the corporation under section**  
 24 **19.5 of this chapter and** subject to section 21 of this chapter, a  
 25 taxpayer is entitled to a credit against the taxpayer's state tax liability  
 26 for a taxable year if the taxpayer makes a qualified investment in that  
 27 year.
- 28           (b) The amount of the credit to which a taxpayer is entitled is the  
 29 qualified investment made by the taxpayer during the taxable year  
 30 multiplied by the applicable percentage.
- 31           (c) A taxpayer may assign any part of the credit to which the  
 32 taxpayer is entitled under this chapter to a lessee of the industrial  
 33 recovery site. A credit that is assigned under this subsection remains  
 34 subject to this chapter.
- 35           (d) An assignment under subsection (c) must be in writing and both  
 36 the taxpayer and the lessee must report the assignment on their state tax  
 37 return for the year in which the assignment is made, in the manner  
 38 prescribed by the department of **state** revenue. The taxpayer shall not  
 39 receive value in connection with the assignment under subsection (c)  
 40 that exceeds the value of the part of the credit assigned.
- 41           SECTION 23. IC 6-3.1-11-18.5 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2017]: **Sec. 18.5. (a) A taxpayer that**  
 2 **proposes to make qualified investments on an industrial recovery**  
 3 **site as provided under this chapter may apply to the corporation**  
 4 **to enter into an agreement for a tax credit under this chapter.**

5 **(b) The corporation shall prescribe the form of the application.**

6 SECTION 24. IC 6-3.1-11-19, AS AMENDED BY P.L.288-2013,  
 7 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2017]: **Sec. 19. (a) The corporation shall consider the**  
 9 **following factors in evaluating applications filed under this chapter:**

10 (1) The level of distress in the surrounding community caused by  
 11 the loss of jobs at the ~~vacant industrial facility.~~ **recovery site.**

12 (2) Evidence of support for the designation by residents,  
 13 businesses, and private organizations in the surrounding  
 14 community.

15 (3) Evidence of a commitment by private or governmental entities  
 16 to assist in the financing of improvements or redevelopment  
 17 activities benefiting the ~~vacant industrial facility.~~ **recovery site.**

18 (4) Whether the industrial recovery site is within an economic  
 19 revitalization area designated under IC 6-1.1-12.1.

20 **(b) The corporation may not approve an application to receive**  
 21 **tax credits under this chapter for qualified investments made on an**  
 22 **industrial recovery site described in section 5(2) of this chapter**  
 23 **unless the applicant can demonstrate that the plant was not**  
 24 **maintained and was removed from the site in an effort to protect**  
 25 **the health, safety, and welfare of the community.**

26 SECTION 25. IC 6-3.1-11-19.5 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.5. If the corporation**  
 29 **approves an application under this chapter, the corporation shall**  
 30 **require the applicant to enter into an agreement with the**  
 31 **corporation as a condition of receiving a tax credit under this**  
 32 **chapter.**

33 SECTION 26. IC 6-3.1-20-7, AS AMENDED BY P.L.255-2015,  
 34 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2016]: **Sec. 7. (a) The department shall before July 1 of each**  
 36 **year determine the following:**

37 **(1) The greater of:**

38 **(1) (A) eight million five hundred thousand dollars**  
 39 **(\$8,500,000); or**

40 **(2) (B) the amount of credits allowed under this chapter for**  
 41 **taxable years ending before January 1 of the year.**

42 **(2) The quotient of:**



1                   **(A) the amount determined under subdivision (1); divided**  
 2                   **by**  
 3                   **(B) four (4).**

4           (b) Except as provided in subsection (d), one-half (1/2) of the  
 5 amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall  
 6 be:

7           (1) deducted ~~during the year~~ **each quarter** from the riverboat  
 8 admissions tax revenue otherwise payable to the county under  
 9 ~~IC 4-33-12-6(c)(6)~~ **IC 4-33-12-8** and the supplemental  
 10 distribution otherwise payable to the county under  
 11 IC 4-33-13-5(g); and

12           (2) paid instead to the state general fund.

13           (c) Except as provided in subsection (d), one-sixth (1/6) of the  
 14 amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall  
 15 be:

16           (1) deducted ~~during the year~~ **each quarter** from the riverboat  
 17 admissions tax revenue otherwise payable under  
 18 ~~IC 4-33-12-6(c)(5)~~ **IC 4-33-12-8** and the supplemental  
 19 distribution otherwise payable under IC 4-33-13-5(g) to each of  
 20 the following:

21                   (A) The largest city by population located in the county.

22                   (B) The second largest city by population located in the  
 23 county.

24                   (C) The third largest city by population located in the county;  
 25 and

26           (2) paid instead to the state general fund.

27           (d) If the amount determined by the department under subsection  
 28 ~~(a)(2)~~ **(a)(1)(B)** is less than eight million five hundred thousand dollars  
 29 (\$8,500,000), the difference of:

30           (1) eight million five hundred thousand dollars (\$8,500,000);  
 31 minus

32           (2) the amount determined by the department under subsection  
 33 ~~(a)(2); (a)(1)(B);~~

34 shall be paid **in four (4) equal quarterly payments** to the northwest  
 35 Indiana regional development authority established by IC 36-7.5-2-1  
 36 instead of the state general fund. Any amounts paid under this  
 37 subsection shall be used by the northwest Indiana regional  
 38 development authority only to establish or improve public mass rail  
 39 transportation systems in Lake County.

40           SECTION 27. IC 6-6-1.1-103, AS AMENDED BY P.L.122-2006,  
 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2016]: Sec. 103. As used in this chapter:

**EH 1290—LS 6505/DI 73**



- 1 (a) "Administrator" means the administrative head of the  
 2 department of state revenue or the administrator's designee.  
 3 (b) "Dealer" means a person, except a distributor, engaged in the  
 4 business of selling gasoline in Indiana.  
 5 (c) "Department" means the department of state revenue.  
 6 (d) "Distributor" means a person who first receives gasoline in  
 7 Indiana. However, "distributor" does not include the United States  
 8 or any of its agencies unless their inclusion is permitted under the  
 9 Constitution and laws of the United States.  
 10 (e) "Licensed distributor" means a person holding a valid  
 11 distributor's license issued by the administrator.  
 12 (f) "Marine facility" means a marina or boat livery.  
 13 (g) "Gasoline" means:  
 14 (1) all products commonly or commercially known or sold as  
 15 gasoline, including casinghead and absorption or natural  
 16 gasoline, regardless of their classifications or uses; and  
 17 (2) any liquid, which when subjected to distillation of  
 18 gasoline, naphtha, kerosene, and similar petroleum products  
 19 with American Society for Testing Materials Designation  
 20 D-86, shows not less than ten percent (10%) distilled  
 21 (recovered) below three hundred forty-seven degrees  
 22 Fahrenheit (347 degrees F) or one hundred seventy-five  
 23 degrees Centigrade (175 degrees C), and not less than  
 24 ninety-five percent (95%) distilled (recovered) below four  
 25 hundred sixty-four degrees Fahrenheit (464 degrees F) or two  
 26 hundred forty degrees Centigrade (240 degrees C).  
 27 However, the term "gasoline" does not include liquefied gases  
 28 which would not exist as liquids at a temperature of sixty degrees  
 29 Fahrenheit (60 degrees F) or sixteen degrees Centigrade (16  
 30 degrees C), and a pressure of fourteen and seven-tenths (14.7)  
 31 pounds per square inch absolute, or denatured, wood, or ethyl  
 32 alcohol, ether, turpentine, or acetates, unless such product is used  
 33 as an additive in the manufacture, compounding, or blending of  
 34 a liquid within subdivision (2) or is otherwise blended with a  
 35 liquid described in subdivision (2) (including ethanol used in  
 36 E85), in which event only the quantity so used is considered  
 37 gasoline. In addition, "gasoline" does not include those liquids  
 38 which meet the specifications of subdivision (2) but which are  
 39 especially designated for use other than as a fuel for internal  
 40 combustion engines. **The term "gasoline" does not include a  
 41 fuel blend nominally consisting of more than eighty-seven  
 42 percent (87%) ethanol and less than thirteen percent (13%)**



- 1           **gasoline.**  
 2           (h) "Motor vehicle" means a vehicle, except a vehicle operated on  
 3           rails, which is propelled by an internal combustion engine or  
 4           motor and is designed to permit its mobile use on public  
 5           highways.  
 6           (i) "Person" means a natural person, partnership, firm,  
 7           association, corporation, limited liability company, representative  
 8           appointed by a court, or the state or its political subdivisions.  
 9           (j) "Public highway" means the entire width between boundary  
 10          lines of every publicly maintained way in Indiana including  
 11          streets and alleys in cities and towns when any part of the way is  
 12          open to public use for vehicle travel.  
 13          (k) "Taxable marine facility" means a marine facility located on  
 14          an Indiana lake.  
 15          (l) "Taxicab" means a motor vehicle which is:  
 16              (1) designed to carry not more than seven (7) individuals,  
 17              including the driver;  
 18              (2) held out to the public for hire at a fare regulated by  
 19              municipal ordinance and based upon length of trips or time  
 20              consumed;  
 21              (3) not operated over a definite route; and  
 22              (4) a part of a commercial enterprise in the business of  
 23              providing taxicab service.  
 24          (m) "Terminal" means a marine or pipeline gasoline facility.  
 25          (n) "Metered pump" means a stationary pump having a meter that  
 26          is capable of measuring the amount of gasoline dispensed through  
 27          it.  
 28          (o) "Billed gallons" means the gallons indicated on an invoice for  
 29          payment to a supplier.  
 30          (p) "Export" for gasoline and fuels taxed in the same manner as  
 31          gasoline under the origin state's statutes means the sale for export  
 32          and delivery out of a state by or for the seller that is:  
 33              (1) an export by the seller in the origin state; and  
 34              (2) an import by the seller in the destination state.  
 35          (q) "Import" for gasoline and fuels taxed in the same manner as  
 36          gasoline under the origin state's statutes means the purchase for  
 37          export and transportation out of a state by or for the purchaser that  
 38          is:  
 39              (1) an export by the purchaser in the origin state; and  
 40              (2) an import by the purchaser in the destination state.  
 41          (r) "Rack" means a dock, platform, or open bay:  
 42              (1) located at a refinery or terminal; and



- 1 (2) having a system of metered pipes and hoses to load fuel  
 2 into a tank wagon or tank transport.
- 3 (s) "E85" means a fuel blend nominally consisting of eighty-five  
 4 percent (85%) ethanol and fifteen percent (15%) gasoline (as  
 5 described in subsection (g)(2)) that meets American Society for  
 6 Testing and Materials standard specification 5798-99 for fuel  
 7 ethanol for automotive spark-ignition engines (Ed75Ed85).
- 8 SECTION 28. IC 6-6-1.1-301 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. The following  
 10 transactions are exempt from the gasoline tax:
- 11 (1) Gasoline exported from Indiana to another state, territory, or  
 12 foreign country, **including gasoline sold to another person for**  
 13 **export from Indiana to another state, territory, or foreign**  
 14 **country.**
- 15 (2) Gasoline sold to the United States or an agency or  
 16 instrumentality thereof.
- 17 (3) Gasoline sold to a post exchange or other concessionaire on a  
 18 federal reservation within Indiana; however, the post exchange or  
 19 concessionaire shall collect, report, and pay to the administrator  
 20 any tax permitted by federal law on gasoline sold.
- 21 (4) Gasoline used by a licensed distributor for any purpose other  
 22 than the generation of power for the propulsion of motor vehicles  
 23 upon the public highways.
- 24 (5) Gasoline received by a licensed distributor and thereafter lost  
 25 or destroyed, except by evaporation, shrinkage, or unknown  
 26 cause, while the distributor is still the owner.
- 27 SECTION 29. IC 36-7-14-8, AS AMENDED BY P.L.87-2015,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2016]: Sec. 8. (a) The redevelopment commissioners shall  
 30 hold a meeting for the purpose of organization not later than thirty (30)  
 31 days after they are appointed and, after that, each year on a day that is  
 32 not a Saturday, a Sunday, or a legal holiday and that is their first  
 33 meeting day of the year. They shall choose one (1) of their members as  
 34 president, another as vice president, and another as secretary. These  
 35 officers shall perform the duties usually pertaining to their offices and  
 36 shall serve from the date of their election until their successors are  
 37 elected and qualified.
- 38 (b) The fiscal officer of the unit establishing a redevelopment  
 39 commission is the treasurer of the redevelopment commission.  
 40 Notwithstanding any other provision of this chapter, but subject to  
 41 subsection (c), the treasurer has charge over and is responsible for the  
 42 administration, investment, and disbursement of all funds and accounts



1 of the redevelopment commission in accordance with the requirements  
 2 of state laws that apply to other funds and accounts administered by the  
 3 fiscal officer. The treasurer shall report annually to the redevelopment  
 4 commission before April 1.

5 (c) The treasurer of the redevelopment commission may disburse  
 6 funds of the redevelopment commission only after the redevelopment  
 7 commission allows and approves the disbursement. However, the  
 8 redevelopment commission may, by rule or resolution, authorize the  
 9 treasurer to make certain types of disbursements before the  
 10 redevelopment commission's allowance and approval at its next regular  
 11 meeting.

12 **(d) The following apply to funds of the redevelopment**  
 13 **commission:**

14 **(1) The funds must be maintained and accounted for**  
 15 **separately and may not be commingled with any assets or**  
 16 **funds of the unit that established the redevelopment**  
 17 **commission or of any other political subdivision.**

18 **(2) The funds:**

19 **(A) may not be transferred to any accounts or funds**  
 20 **established by or for the unit that established the**  
 21 **redevelopment commission or any other political**  
 22 **subdivision; and**

23 **(B) except in the case of reimbursements or uses**  
 24 **authorized by IC 36-7-14-3.7(d), IC 36-7-14-24,**  
 25 **IC 36-7-14-39(b)(3), IC 36-7-14-48(e)(2), and**  
 26 **IC 36-7-14-52(b)(4) and reimbursements or uses**  
 27 **specifically authorized by any other law, may not be used**  
 28 **to pay for expenses of the unit that established the**  
 29 **redevelopment commission or for expenses of any other**  
 30 **political subdivision.**

31 **This subdivision does not restrict transfers or uses by a**  
 32 **redevelopment commission made to meet commitments under**  
 33 **a written agreement of the redevelopment commission that**  
 34 **was entered into before January 1, 2016, if the written**  
 35 **agreement complied with the requirements existing under the**  
 36 **law at the time the redevelopment commission entered into**  
 37 **the written agreement.**

38 **(e)** The redevelopment commissioners may adopt the rules and  
 39 bylaws they consider necessary for the proper conduct of their  
 40 proceedings, the carrying out of their duties, and the safeguarding of  
 41 the money and property placed in their custody by this chapter. In  
 42 addition to the annual meeting, the commissioners may, by resolution



1 or in accordance with their rules and bylaws, prescribe the date and  
2 manner of notice of other regular or special meetings.

3 (e) (f) This subsection does not apply to a county redevelopment  
4 commission that consists of seven (7) members. Three (3) of the  
5 redevelopment commissioners constitute a quorum, and the  
6 concurrence of three (3) commissioners is necessary to authorize any  
7 action.

8 (f) (g) This subsection applies only to a county redevelopment  
9 commission that consists of seven (7) members. Four (4) of the  
10 redevelopment commissioners constitute a quorum, and the  
11 concurrence of four (4) commissioners is necessary to authorize any  
12 action.

13 SECTION 30. IC 36-7-14-13, AS AMENDED BY P.L.87-2015,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2016]: Sec. 13. (a) Not later than April 15 of each year, the  
16 redevelopment commissioners or their designees shall file with the  
17 unit's executive and fiscal body a report setting out their activities  
18 during the preceding calendar year.

19 (b) The report of the commissioners of a municipal redevelopment  
20 commission must show the names of the then qualified and acting  
21 commissioners, the names of the officers of that body, the number of  
22 regular employees and their fixed salaries or compensation, the amount  
23 of the expenditures made during the preceding year and their general  
24 purpose, an accounting of the tax increment revenues expended by any  
25 entity receiving the tax increment revenues as a grant or loan from the  
26 commission, the amount of funds on hand at the close of the calendar  
27 year, and other information necessary to disclose the activities of the  
28 commissioners and the results obtained.

29 (c) The report of the commissioners of a county redevelopment  
30 commission must show all the information required by subsection (b),  
31 plus the names of any commissioners appointed to or removed from  
32 office during the preceding calendar year.

33 (d) A copy of each report filed under this section must be submitted  
34 to the department of local government finance in an electronic format.

35 (e) The report required under subsection (a) must also include the  
36 following information set forth for each tax increment financing district  
37 regarding the previous year:

- 38 (1) Revenues received.  
39 (2) Expenses paid.  
40 (3) Fund balances.  
41 (4) The amount and maturity date for all outstanding obligations.  
42 (5) The amount paid on outstanding obligations.



- 1 (6) A list of all the parcels included in each tax increment
- 2 financing district allocation area and the base assessed value and
- 3 incremental assessed value for each parcel in the list.
- 4 **(7) To the extent that the following information has not**
- 5 **previously been provided to the department of local**
- 6 **government finance:**
  - 7 **(A) The year in which the tax increment financing district**
  - 8 **was established.**
  - 9 **(B) The section of the Indiana Code under which the tax**
  - 10 **increment financing district was established.**
  - 11 **(C) Whether the tax increment financing district is part of**
  - 12 **an area needing redevelopment, an economic development**
  - 13 **area, a redevelopment project area, or an urban renewal**
  - 14 **project area.**
  - 15 **(D) If applicable, the year in which the boundaries of the**
  - 16 **tax increment financing district were changed and a**
  - 17 **description of those changes.**
  - 18 **(E) The date on which the tax increment financing district**
  - 19 **will expire.**
  - 20 **(F) A copy of each resolution adopted by the**
  - 21 **redevelopment commission that establishes or alters the**
  - 22 **tax increment financing district.**
- 23 (f) A redevelopment commission and a department of
- 24 redevelopment are subject to the same laws, rules, and ordinances of
- 25 a general nature that apply to all other commissions or departments of
- 26 the unit.
- 27 SECTION 31. IC 36-7-15.1-3.5, AS AMENDED BY P.L.87-2015,
- 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2016]: Sec. 3.5. (a) The controller of the consolidated city is
- 30 the fiscal officer of a commission subject to this chapter.
- 31 (b) The controller may obtain financial services on a contractual
- 32 basis for purposes of carrying out the powers and duties of the
- 33 commission and protecting the public interests related to the operations
- 34 and funding of the commission. Subject to subsection (c), the controller
- 35 has charge over and is responsible for the administration, investment,
- 36 and disbursement of all funds and accounts of the commission in
- 37 accordance with the requirements of state law that apply to other funds
- 38 and accounts administered by the controller.
- 39 (c) The controller may disburse funds of the commission only after
- 40 the commission allows and approves the disbursement. However, the
- 41 commission may, by rule or resolution, authorize the controller to make
- 42 certain types of disbursements before the commission's allowance and



1 approval at its next regular meeting.

2 **(d) The following apply to funds of the redevelopment**  
3 **commission:**

4 **(1) The funds must be maintained and accounted for**  
5 **separately and may not be commingled with any assets or**  
6 **funds of the unit that established the redevelopment**  
7 **commission or of any other political subdivision.**

8 **(2) The funds:**

9 **(A) may not be transferred to any accounts or funds**  
10 **established by or for the unit that established the**  
11 **redevelopment commission or any other political**  
12 **subdivision; and**

13 **(B) except in the case of reimbursements or uses**  
14 **authorized by IC 36-7-15.1-26(b)(3), IC 36-7-15.1-35(e)(2),**  
15 **and IC 36-7-15.1-53(b)(3) and reimbursements or uses**  
16 **specifically authorized by any other law, may not be used**  
17 **to pay for expenses of the unit that established the**  
18 **redevelopment commission or of any other political**  
19 **subdivision.**

20 **This subdivision does not restrict transfers or uses by a**  
21 **redevelopment commission made to meet commitments under**  
22 **a written agreement of the redevelopment commission that**  
23 **was entered into before January 1, 2016, if the written**  
24 **agreement complied with the requirements existing under the**  
25 **law at the time the redevelopment commission entered into**  
26 **the written agreement.**

27 SECTION 32. IC 36-7-15.1-36.3, AS AMENDED BY P.L.87-2015,  
28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2016]: Sec. 36.3. (a) Not later than April 15 of each year, the  
30 commission or its designee shall file with the mayor and the fiscal body  
31 a report setting out the commission's activities during the preceding  
32 calendar year.

33 (b) The report required by subsection (a) must show the names of  
34 the then qualified and acting commissioners, the names of the officers  
35 of that body, the number of regular employees and their fixed salaries  
36 or compensation, the amount of the expenditures made during the  
37 preceding year and their general purpose, an accounting of the tax  
38 increment revenues expended by any entity receiving the tax increment  
39 revenues as a grant or loan from the commission, the amount of funds  
40 on hand at the close of the calendar year, and other information  
41 necessary to disclose the activities of the commission and the results  
42 obtained.



1 (c) A copy of each report filed under this section must be submitted  
2 to the department of local government finance in an electronic format.

3 (d) The report required under subsection (a) must also include the  
4 following information set forth for each tax increment financing district  
5 regarding the previous year:

6 (1) Revenues received.

7 (2) Expenses paid.

8 (3) Fund balances.

9 (4) The amount and maturity date for all outstanding obligations.

10 (5) The amount paid on outstanding obligations.

11 (6) A list of all the parcels included in each tax increment  
12 financing district allocation area and the base assessed value and  
13 incremental assessed value for each parcel in the list.

14 **(7) To the extent that the following information has not**  
15 **previously been provided to the department of local**  
16 **government finance:**

17 **(A) The year in which the tax increment financing district**  
18 **was established.**

19 **(B) The section of the Indiana Code under which the tax**  
20 **increment financing district was established.**

21 **(C) Whether the tax increment financing district is part of**  
22 **an area needing redevelopment, an economic development**  
23 **area, a redevelopment project area, or an urban renewal**  
24 **project area.**

25 **(D) If applicable, the year in which the boundaries of the**  
26 **tax increment financing district were changed and a**  
27 **description of those changes.**

28 **(E) The date on which the tax increment financing district**  
29 **will expire.**

30 **(F) A copy of each resolution adopted by the**  
31 **redevelopment commission that establishes or alters the**  
32 **tax increment financing district.**

33 SECTION 33. IC 36-7.5-1-10, AS AMENDED BY P.L.192-2015,  
34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2016]: Sec. 10. "Economic development project" means the  
36 following:

37 (1) An economic development project described in any of the  
38 following:

39 (A) IC 36-7.5-2-1(2), or IC 36-7.5-2-1(3), or IC 36-7.5-2-1(4).

40 (B) IC 36-7.5-3-1(2) or IC 36-7.5-3-1(4).

41 (C) The Marquette Plan.

42 (2) A dredging, sediment removal, or channel improvement



- 1 project.
- 2 SECTION 34. IC 36-7.5-2-1, AS AMENDED BY P.L.192-2015,  
 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2016]: Sec. 1. The northwest Indiana regional development  
 5 authority is established as a separate body corporate and politic to carry  
 6 out the purposes of this article by:
- 7 (1) acquiring, constructing, equipping, owning, leasing, and  
 8 financing projects and facilities for lease to or for the benefit of  
 9 eligible political subdivisions under this article in accordance  
 10 with IC 36-7.5-3-1.5;
- 11 (2) funding and developing the Gary/Chicago International  
 12 Airport expansion and other airport authority projects, commuter  
 13 transportation district and other rail projects and services,  
 14 regional bus authority projects and services, regional  
 15 transportation authority projects and services, Lake Michigan  
 16 marina and shoreline development projects and activities, and  
 17 economic development projects in northwestern Indiana; ~~and~~
- 18 (3) assisting with the funding of infrastructure needed to sustain  
 19 development of an intermodal facility in northwestern Indiana;  
 20 **and**
- 21 **(4) funding and carrying out destination based economic**  
 22 **development projects that:**
- 23 **(A) fill a market opportunity in the greater Chicago area,**  
 24 **as determined by a credible market study approved by the**  
 25 **Indiana finance authority;**
- 26 **(B) derive significant capital investment from**  
 27 **nongovernmental sources;**
- 28 **(C) derive significant investment or incentives from a host**  
 29 **municipality, if the project is in a municipality;**
- 30 **(D) have a significant and quantifiable impact on the**  
 31 **regional economy; and**
- 32 **(E) generate:**
- 33 **(i) substantial job creation in the region;**  
 34 **(ii) substantial new investment in the region; or**  
 35 **(iii) both substantial job creation in the region and**  
 36 **substantial new investment in the region.**
- 37 SECTION 35. IC 36-7.5-3-2, AS AMENDED BY P.L.197-2011,  
 38 SECTION 152, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The development  
 40 authority may do any of the following:
- 41 (1) Finance, improve, construct, reconstruct, renovate, purchase,  
 42 lease, acquire, and equip land and projects located in an eligible



- 1 county or eligible municipality.
- 2 (2) Lease land or a project to an eligible political subdivision.
- 3 (3) Finance and construct additional improvements to projects or  
4 other capital improvements owned by the development authority  
5 and lease them to or for the benefit of an eligible political  
6 subdivision.
- 7 (4) Acquire land or all or a portion of one (1) or more projects  
8 from an eligible political subdivision by purchase or lease and  
9 lease the land or projects back to the eligible political subdivision,  
10 with any additional improvements that may be made to the land  
11 or projects.
- 12 (5) Acquire all or a portion of one (1) or more projects from an  
13 eligible political subdivision by purchase or lease to fund or  
14 refund indebtedness incurred on account of the projects to enable  
15 the eligible political subdivision to make a savings in debt service  
16 obligations or lease rental obligations or to obtain relief from  
17 covenants that the eligible political subdivision considers to be  
18 unduly burdensome.
- 19 (6) Make loans, loan guarantees, and grants or provide other  
20 financial assistance to or on behalf of the following:
- 21 (A) A commuter transportation district.
- 22 (B) An airport authority or airport development authority.
- 23 (C) The Lake Michigan marina and shoreline development  
24 commission.
- 25 (D) A regional bus authority. A loan, loan guarantee, grant, or  
26 other financial assistance under this clause may be used by a  
27 regional bus authority for acquiring, improving, operating,  
28 maintaining, financing, and supporting the following:
- 29 (i) Bus services (including fixed route services and flexible  
30 or demand-responsive services) that are a component of a  
31 public transportation system.
- 32 (ii) Bus terminals, stations, or facilities or other regional bus  
33 authority projects.
- 34 (E) A regional transportation authority.
- 35 **(F) A member municipality that is eligible to make an**  
36 **appointment to the development board under**  
37 **IC 36-7.5-2-3(b)(2) and is compliant with the revenue**  
38 **transfer requirements specified in IC 36-7.5-4-2. However,**  
39 **a loan made to such a member municipality before June**  
40 **30, 2016, under this clause must have a term of not more**  
41 **than ten (10) years and must have a market based interest**  
42 **rate.**



- 1 (7) Provide funding to assist a railroad that is providing commuter  
2 transportation services in an eligible county or eligible  
3 municipality.
- 4 (8) Provide funding to assist an airport authority located in an  
5 eligible county or eligible municipality in the construction,  
6 reconstruction, renovation, purchase, lease, acquisition, and  
7 equipping of an airport facility or airport project.
- 8 (9) Provide funding to assist in the development of an intermodal  
9 facility to facilitate the interchange and movement of freight.
- 10 (10) Provide funding to assist the Lake Michigan marina and  
11 shoreline development commission in carrying out the purposes  
12 of IC 36-7-13.5.
- 13 (11) Provide funding for economic development projects in an  
14 eligible county or eligible municipality.
- 15 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by  
16 purchase, exchange, gift, bequest, grant, condemnation, lease, or  
17 sublease, on the terms and conditions determined by the  
18 development authority, any real or personal property located in an  
19 eligible county or eligible municipality.
- 20 (13) After giving notice, enter upon any lots or lands for the  
21 purpose of surveying or examining them to determine the location  
22 of a project.
- 23 (14) Make or enter into all contracts and agreements necessary or  
24 incidental to the performance of its duties and the execution of its  
25 powers under this article.
- 26 (15) Sue, be sued, plead, and be impleaded.
- 27 (16) Design, order, contract for, and construct, reconstruct, and  
28 renovate a project or improvements to a project.
- 29 (17) Appoint an executive director and employ appraisers, real  
30 estate experts, engineers, architects, surveyors, attorneys,  
31 accountants, auditors, clerks, construction managers, and any  
32 consultants or employees that are necessary or desired by the  
33 development authority in exercising its powers or carrying out its  
34 duties under this article.
- 35 (18) Accept loans, grants, and other forms of financial assistance  
36 from the federal government, the state government, a political  
37 subdivision, or any other public or private source.
- 38 (19) Use the development authority's funds to match federal  
39 grants or make loans, loan guarantees, or grants to carry out the  
40 development authority's powers and duties under this article.
- 41 (20) Except as prohibited by law, take any action necessary to  
42 carry out this article.



1 (b) If the development authority is unable to agree with the owners,  
 2 lessees, or occupants of any real property selected for the purposes of  
 3 this article, the development authority may proceed under IC 32-24-1  
 4 to procure the condemnation of the property. The development  
 5 authority may not institute a proceeding until it has adopted a  
 6 resolution that:

7 (1) describes the real property sought to be acquired and the  
 8 purpose for which the real property is to be used;

9 (2) declares that the public interest and necessity require the  
 10 acquisition by the development authority of the property involved;  
 11 and

12 (3) sets out any other facts that the development authority  
 13 considers necessary or pertinent.

14 The resolution is conclusive evidence of the public necessity of the  
 15 proposed acquisition.

16 SECTION 36. IC 36-7.5-3-1.5, AS ADDED BY P.L.192-2015,  
 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2016]: Sec. 1.5. (a) This section applies to revenue received  
 19 by the authority to the extent that the revenue has not been pledged or  
 20 otherwise obligated to pay bonds or leases entered into before July 1,  
 21 2015.

22 (b) The authority may expend money received under this article to  
 23 fund economic development projects only to the extent that:

24 (1) the development board finds that the economic development  
 25 project is **a destination based economic development project**  
 26 **described in IC 36-7.5-2-1(4) or is** consistent with:

27 (A) a duty imposed upon the development authority under  
 28 section 1(2) or 1(4) of this chapter; or

29 (B) the Marquette Plan; and

30 (2) funding the project is reviewed by the state budget committee  
 31 under subsection (c).

32 (c) The development board shall submit to the state budget  
 33 committee for review and comment any proposal to fund an economic  
 34 development project (**including any destination based economic**  
 35 **development project**) under this article. The state budget committee  
 36 shall review any proposal received under this subsection and may  
 37 request that the authority appear at a public meeting of the state budget  
 38 committee concerning the funding proposal.

39 SECTION 37. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
 40 **SECTION, "legislative council" refers to the legislative council**  
 41 **created by IC 2-5-1.1-1.**

42 (b) **As used in this SECTION, "study committee" means either**



- 1 of the following:
- 2 (1) A statutory committee established under IC 2-5.
- 3 (2) An interim study committee.
- 4 (c) The legislative council is urged to assign the following topics
- 5 to the appropriate study committee:
- 6 (1) Whether a heavy equipment vehicle excise tax, instead of
- 7 the property tax, should be imposed on certain heavy
- 8 equipment vehicles.
- 9 (2) The appropriate amount of the fee that should be charged
- 10 for the registration of a logging vehicle that:
- 11 (A) is used to harvest logs or timber;
- 12 (B) is used to process or load harvested logs or timber; or
- 13 (C) is transported to a logging site specifically for the
- 14 purpose of building or maintaining a road at the logging
- 15 site.
- 16 (d) If a topic described in subsection (c) is assigned to a study
- 17 committee, the study committee shall issue a final report on the
- 18 topic to the legislative council in an electronic format under
- 19 IC 5-14-6 not later than November 1, 2016.
- 20 (e) This SECTION expires December 31, 2016.
- 21 SECTION 38. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1290, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1290 as introduced.)

BROWN T

Committee Vote: Yeas 21, Nays 1

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1290 be amended to read as follows:

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-15-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. A holder of a tax sale certificate under IC 6-1.1-24 does not have an interest in tangible property for purposes of obtaining a review or bringing an appeal of an assessment of property under this chapter.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1290 as printed January 26, 2016.)

PRYOR

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 COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1290, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-21, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may

**EH 1290—LS 6505/DI 73**



incorporate by reference into a rule part or all of any of the following matters:

- (1) A federal or state statute, rule, or regulation.
- (2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.
- (3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

**(4) The following requirements:**

**(A) The schedule, electronic formatting, and standard data, field, and record coding requirements for:**

- (i) the electronic data file under IC 6-1.1-4-25 concerning the parcel characteristics and parcel assessments of all parcels and personal property return characteristics and assessments; and**
- (ii) the electronic data file under IC 36-2-9-20 concerning the tax duplicate.**

**(B) The schedule, electronic formatting, and standard data, field, and record coding requirements for data required to be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.**

**(C) Data export and transmission format requirements for information described in clauses (A) and (B).**

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the ~~commission on public records~~ **Indiana archives and record administration** under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been previously filed with the:
  - (A) secretary of state before July 1, 2006; or
  - (B) publisher after June 30, 2006.
- (5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.



(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 2. IC 4-33-12-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:  
Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by ~~subsections subsection (c) and (d), and IC 6-3-1-20-7,~~ **section 8 of this chapter**, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in ~~subsection (k), (j),~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

- (i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or
- (ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in ~~subsection (k), (j),~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in ~~subsection (k), (j),~~ **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or



promotion fund for the county in which the riverboat is docked.

(4) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this chapter**, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in ~~subsection (k), (j)~~, **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in ~~subsection (k), (j)~~, Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

*(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:*

*(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:*

*(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:*

*(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county*



*fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.*

*(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.*

*(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.*

*(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.*

*(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.*

*(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:*

*(i) is located in the county in which the riverboat is located;*



*and*

*(ii) contains a historic hotel.*

*At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located:*

*(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.*

*(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).*

*(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:*

*(i) Job creation and retention.*

*(ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.*

*(iii) Housing.*

*(iv) Workforce training.*

*(v) Health care.*

*(vi) Local planning.*

*(vii) Land use.*

*(viii) Assistance to regional economic development groups.*

*(ix) Other regional development issues as determined by the Indiana economic development corporation.*

*(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:*

*(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause*



as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G).

(d) (e) With respect This subsection applies to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); Lake County. Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);  
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;



to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(1) (5) Except as provided in subsection (k), (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional



*development authority under subdivision (1), (2), or (3); whichever is applicable; for that the calendar quarter;*

shall be paid to the city in which the riverboat is docked:

~~(2) (6) Except as provided in subsection (k), (j), the remainder; if any, of:~~

~~(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or~~

~~(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus~~

~~(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for that the calendar quarter;~~

shall be paid to the county in which the riverboat is docked:

~~(3) (7) Except as provided in subsection (k), (j), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or~~

~~(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked:

~~(4) (8) Except as provided in subsection (k), (j), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or~~

~~(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the northwest Indiana law enforcement training center:

~~(5) (9) Except as provided in subsection (k), (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person~~

~~(A) embarking on a gambling excursion during the quarter; or~~

~~(B) admitted to a riverboat during a the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3:



~~(6) (10)~~ Except as provided in subsection ~~(k)~~, ~~(j)~~; ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person

~~(A) embarking on a gambling excursion during the quarter; or~~  
~~(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;~~

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

~~(7) (11)~~ Except as provided in subsection ~~(k)~~; Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person *embarking on a gambling excursion during the quarter or* admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under ~~IC 4-33-6-21~~ shall be paid to the state general fund.

~~(e) (d)~~ Money paid to a unit of local government under subsection ~~(b) or (c)~~: *or (d)*:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

~~(f) (e)~~ Money paid by the treasurer of state under subsection ~~(b)(3)~~ or ~~(d)(3)~~ ~~(d)(7)~~ ~~(c)(7)~~ shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

~~(g) (f)~~ Money received by the division of mental health and addiction under subsections ~~(b)(5)~~ and ~~(d)(6)~~: ~~(d)(10)~~: ~~(e)(10)~~:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and



addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs; alcohol; and compulsive gambling; including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

*(h) (g)* This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5).

(2) Each entity receiving money under subsection *(d)(1) (d)(5) (c)(5) through (d)(2). (d)(6). (e)(6).*

(3) Each entity receiving money under subsection *(d)(5) (d)(9) (c)(9) through (d)(6). (d)(10). (e)(10).*

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

*(i) (h)* This subsection applies to an entity receiving money under subsection *(d)(3) (d)(7) (c)(7) or (d)(4). (d)(8). (e)(8).* The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection *(d)(3) (d)(7) (c)(7)* during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection *(d)(3). (d)(7). (c)(7).* The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection *(d)(4). (d)(8). (c)(8).* The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

*(j) (i)* *This subsection does not apply to an entity receiving money under subsection (e).* The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection *(h) (g) or (i). (h).* For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection *(d) (c)* to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If



the treasurer of state determines that the total amount of money:

- (1) distributed to an entity; *and*
- (2) *constructively received by an entity;*

under this section during a state fiscal year is less than the entity's base year revenue; the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

~~(k) (j)~~ *This subsection does not apply to an entity receiving money under subsection (e).* The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and
- (2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 3. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.**

**(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:**

**(1) The lesser of:**

- (A) eight hundred seventy-five thousand dollars (\$875,000); or**
- (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;**

**to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.**

**(2) The lesser of:**

- (A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or**
- (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;**

**to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.**

**(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:**

- (A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat**



during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected



during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed



owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the



licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner



for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 4. IC 4-33-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 or 8 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free



telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

- (1) A city or county.
- (2) A county convention and visitors bureau or promotion fund for a county other than Lake County.
- (3) The state fair commission.
- (4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

- (1) A county convention and visitors bureau or promotion fund for Lake County.
- (2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of



state determines that the total amount of money:

- (1) distributed to an entity; and
- (2) constructively received by an entity;

under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and
- (2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 5. IC 4-33-12.5-6, AS AMENDED BY P.L.255-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~The county described in IC 4-33-12-6(c)~~ **Lake County** shall distribute twenty-five percent (25%) of the:

- (1) admissions tax revenue received by the county under ~~IC 4-33-12-6(c)(6); IC 4-33-12-8;~~ and
- (2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

- (1) The certification from any decennial census completed by the United States Bureau of the Census.
- (2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

- (1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and
- (2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

SECTION 6. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days



after the county receives the quarterly distribution of admission tax revenue under ~~IC 4-33-12-6~~ **IC 4-33-12-8** or the supplemental distributions received under IC 4-33-13-5 from the state.

SECTION 7. IC 4-33-13-5, AS AMENDED BY P.L.255-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:



- (1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.
- (2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:
  - (A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:
    - (i) Fifty percent (50%) to the fiscal officer of the town of French Lick.
    - (ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.
  - (B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.
  - (C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.
  - (D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.
  - (E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a



recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the



tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county.



Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before ~~September~~ **July** 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year was less than the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**); minus
- (2) the sum of:
  - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 **or IC 4-33-12-8**; plus
  - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 **or IC 4-33-12-8** bears to the total amount distributed under



IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in **September July** 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
  - (A) three million five hundred thousand dollars (\$3,500,000); minus
  - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

SECTION 8. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "capital improvement board" refers to a capital improvement board established under IC 36-10-9.

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(b) To qualify for an investment under this section, the capital improvement board must apply to the treasurer of state in the form and manner required by the treasurer. As part of the application, the capital improvement board shall submit a plan for its use of the investment proceeds and for the repayment of the capital improvement board's obligation to the treasurer. Within sixty (60) days after receipt of each application, the treasurer shall consider the application and review its accuracy and completeness.

(c) If the capital improvement board makes an application under subsection (b) and the treasurer approves the accuracy and completeness of the application and determines that there is an adequate method of payment for the capital improvement board's obligations, the treasurer of state shall invest or reinvest funds that are held by the treasurer and that are available for investment in obligations issued by the capital improvement board for the purposes of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.

(d) The treasurer of state shall determine the terms of each investment and the capital improvement board's obligation, which must include the following:

- (1) Subject to subsections (f) and (g), the duration of the capital improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.
- (2) Subject to subsections (f) and (g), the repayment schedule of the capital improvement board's obligation, which must provide that no payments are due before January 1, 2013.
- (3) A rate of interest to be determined by the treasurer.
- (4) The amount of each investment, which may not exceed the maximum amounts established for the capital improvement board by this section.
- (5) Any other conditions specified by the treasurer.

(e) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer. If the capital improvement board fails to make any payments on the capital improvement board's obligation to the treasurer, the amount payable shall be withheld by the auditor of state from any other money payable to the capital improvement board. The amount withheld shall



be transferred to the treasurer to the credit of the capital improvement board.

(f) Subject to subsection (g), if all principal and interest on the obligations issued by the capital improvement board under this section in calendar year 2009, are paid before July 1, 2015, the term of the obligations issued by the capital improvement board to the treasurer of state in calendar year 2010 is extended until 2025. **The treasurer of state shall discharge any remaining unpaid interest on the obligation issued by the capital improvement board to the treasurer of state in 2009, if the capital improvement board submits payment of the principal amount to the treasurer of state before the stated final maturity of that obligation.**

(g) This subsection applies if the capital improvement board before July 1, 2015, adopts a resolution:

(1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and

(2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall annually examine the bid fund to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of



principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

SECTION 9. IC 5-28-15-5, AS AMENDED BY P.L.288-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) The board has the following powers, in addition to other powers that are contained in this chapter:

- (1) To review and approve or reject all applicants for enterprise zone designation, according to the criteria for designation that this chapter provides.
- (2) To waive or modify rules as provided in this chapter.
- (3) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.
- (4) To adopt rules for the disqualification of a zone business from eligibility for any or all incentives available to zone businesses, if that zone business does not do one (1) of the following:
  - (A) If all its incentives, as contained in the summary required under section 7 of this chapter, exceed one thousand dollars (\$1,000) in any year, pay a registration fee to the board in an amount equal to one percent (1%) of all its incentives.
  - (B) Use all its incentives, except for the amount of the registration fee, for its property or employees in the zone.
  - (C) Remain open and operating as a zone business for twelve (12) months of the assessment year for which the incentive is claimed.
- (5) To disqualify a zone business from eligibility for any or all incentives available to zone businesses in accordance with the procedures set forth in the board's rules.
- (6) After a recommendation from a U.E.A., to modify an enterprise zone boundary if the board determines that the modification:
  - (A) is in the best interests of the zone; and
  - (B) meets the threshold criteria and factors set forth in section 9 of this chapter.
- (7) To employ staff and contract for services.
- (8) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.
- (9) To ~~make determinations~~ **enter into agreements** under



IC 6-3.1-11 concerning the designation of locations as industrial recovery sites. **with an applicant for a tax credit under that chapter.**

(10) To make determinations under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases.

(b) In addition to a registration fee paid under subsection (a)(4)(A), each zone business that receives an incentive described in section 3 of this chapter shall assist the zone U.E.A. in an amount determined by the legislative body of the municipality in which the zone is located. If a zone business does not assist a U.E.A., the legislative body of the municipality in which the zone is located may pass an ordinance disqualifying a zone business from eligibility for all credits or incentives available to zone businesses. If a legislative body disqualifies a zone business under this subsection, the legislative body shall notify the board, the department of local government finance, and the department of state revenue in writing not more than thirty (30) days after the passage of the ordinance disqualifying the zone business. Disqualification of a zone business under this section is effective beginning with the taxable year in which the ordinance disqualifying the zone business is adopted."

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-4-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. (a) This section applies to a real property assessment for:**

**(1) the 2016 assessment date and assessment dates thereafter;**  
**and**

**(2) real property that is:**

**(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and**

**(B) occupied by the original owner or by a tenant for which the improvement was built.**

**(b) If a taxpayer files a notice under IC 6-1.1-15 after March 31, 2016, requesting a review of the assessment of the taxpayer's real property that is subject to this section, and the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding**



**IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property, and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then for purposes of applying the cost approach the depreciation and obsolescence shall be deducted from the construction costs rather than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance."**

Page 4, line 25, delete "The value in exchange of an improved property does not" and insert "**With respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis.**".

Page 4, delete lines 26 through 28.

Page 4, line 29, delete "use of the improved property."

Page 4, between lines 39 and 40, begin a new paragraph and insert:  
 "SECTION 15. IC 6-3.1-11-1, AS AMENDED BY P.L.288-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter, "applicable percentage" means the percentage determined as follows:

- (1) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least fifteen (15) years ago but less than thirty (30) years ago, the applicable percentage is fifteen percent (15%).
- (2) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least thirty (30) years ago but less than forty (40) years ago, the applicable percentage is twenty percent (20%).
- (3) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least forty (40) years ago, the applicable percentage is twenty-five percent (25%).

The time that has expired since a plant was placed in service shall be determined as of the date that an application is filed with the corporation. ~~for designation of the location as an industrial recovery site under this chapter.~~



SECTION 16. IC 6-3.1-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 3: As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

SECTION 17. IC 6-3.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "industrial recovery site" means an industrial recovery site designated under this chapter: **land on which a vacant plant having at least one hundred thousand (100,000) square feet of total floor space:**

- (1) exists as of the date an application is filed with the corporation under this chapter; or
- (2) existed within five (5) years before the date an application is filed with the corporation under this chapter.

SECTION 18. IC 6-3.1-11-6 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 6: As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.

SECTION 19. IC 6-3.1-11-7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 7: As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.

SECTION 20. IC 6-3.1-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 15: As used in this chapter, "vacant industrial facility" means a tract of land on which there is located a plant that:

- (1) has:
  - (A) for taxable years beginning after December 31, 2010; and beginning before January 1, 2015; at least fifty thousand (50,000) square feet of floor space; or
  - (B) for taxable years beginning after December 31, 2014; at least one hundred thousand (100,000) square feet of floor space; and
- (2) was placed in service at least fifteen (15) years ago.

SECTION 21. IC 6-3.1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) **Subject to entering into an agreement with the corporation under section 19.5 of this chapter and** subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer during the taxable year multiplied by the applicable percentage.

(c) A taxpayer may assign any part of the credit to which the



taxpayer is entitled under this chapter to a lessee of the industrial recovery site. A credit that is assigned under this subsection remains subject to this chapter.

(d) An assignment under subsection (c) must be in writing and both the taxpayer and the lessee must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department of **state** revenue. The taxpayer shall not receive value in connection with the assignment under subsection (c) that exceeds the value of the part of the credit assigned.

SECTION 22. IC 6-3.1-11-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2017]: **Sec. 18.5. (a) A taxpayer that proposes to make qualified investments on an industrial recovery site as provided under this chapter may apply to the corporation to enter into an agreement for a tax credit under this chapter.**

**(b) The corporation shall prescribe the form of the application.**

SECTION 23. IC 6-3.1-11-19, AS AMENDED BY P.L.288-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19. (a)** The corporation shall consider the following factors in evaluating applications filed under this chapter:

- (1) The level of distress in the surrounding community caused by the loss of jobs at the ~~vacant industrial facility.~~ **recovery site.**
- (2) Evidence of support for the designation by residents, businesses, and private organizations in the surrounding community.
- (3) Evidence of a commitment by private or governmental entities to assist in the financing of improvements or redevelopment activities benefiting the ~~vacant industrial facility.~~ **recovery site.**
- (4) Whether the industrial recovery site is within an economic revitalization area designated under IC 6-1.1-12.1.

**(b) The corporation may not approve an application to receive tax credits under this chapter for qualified investments made on an industrial recovery site described in section 5(2) of this chapter unless the applicant can demonstrate that the plant was not maintained and was removed from the site in an effort to protect the health, safety, and welfare of the community.**

SECTION 24. IC 6-3.1-11-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.5. If the corporation approves an application under this chapter, the corporation shall require the applicant to enter into an agreement with the corporation as a condition of receiving a tax credit under this**



**chapter.**

SECTION 25. IC 6-3.1-20-7, AS AMENDED BY P.L.255-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department shall before July 1 of each year determine **the following**:

(1) The greater of:

~~(1)~~ (A) eight million five hundred thousand dollars (\$8,500,000); or

~~(2)~~ (B) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) **The quotient of:**

(A) **the amount determined under subdivision (1); divided by**

(B) **four (4).**

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

(1) deducted ~~during the year~~ **each quarter** from the riverboat admissions tax revenue otherwise payable to the county under ~~IC 4-33-12-6(c)(6)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and

(2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

(1) deducted ~~during the year~~ **each quarter** from the riverboat admissions tax revenue otherwise payable under ~~IC 4-33-12-6(c)(5)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:

(A) The largest city by population located in the county.

(B) The second largest city by population located in the county.

(C) The third largest city by population located in the county; and

(2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection ~~(a)(2)~~ **(a)(1)(B)** is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

(1) eight million five hundred thousand dollars (\$8,500,000); minus



(2) the amount determined by the department under subsection ~~(a)(2)~~; **(a)(1)(B)**;  
 shall be paid **in four (4) equal quarterly payments** to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County.

SECTION 26. IC 6-6-1.1-103, AS AMENDED BY P.L.122-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 103. As used in this chapter:

- (a) "Administrator" means the administrative head of the department of state revenue or the administrator's designee.
- (b) "Dealer" means a person, except a distributor, engaged in the business of selling gasoline in Indiana.
- (c) "Department" means the department of state revenue.
- (d) "Distributor" means a person who first receives gasoline in Indiana. However, "distributor" does not include the United States or any of its agencies unless their inclusion is permitted under the Constitution and laws of the United States.
- (e) "Licensed distributor" means a person holding a valid distributor's license issued by the administrator.
- (f) "Marine facility" means a marina or boat livery.
- (g) "Gasoline" means:
  - (1) all products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classifications or uses; and
  - (2) any liquid, which when subjected to distillation of gasoline, naphtha, kerosene, and similar petroleum products with American Society for Testing Materials Designation D-86, shows not less than ten percent (10%) distilled (recovered) below three hundred forty-seven degrees Fahrenheit (347 degrees F) or one hundred seventy-five degrees Centigrade (175 degrees C), and not less than ninety-five percent (95%) distilled (recovered) below four hundred sixty-four degrees Fahrenheit (464 degrees F) or two hundred forty degrees Centigrade (240 degrees C).

However, the term "gasoline" does not include liquefied gases which would not exist as liquids at a temperature of sixty degrees Fahrenheit (60 degrees F) or sixteen degrees Centigrade (16 degrees C), and a pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute, or denatured, wood, or ethyl



alcohol, ether, turpentine, or acetates, unless such product is used as an additive in the manufacture, compounding, or blending of a liquid within subdivision (2) or is otherwise blended with a liquid described in subdivision (2) (including ethanol used in E85), in which event only the quantity so used is considered gasoline. In addition, "gasoline" does not include those liquids which meet the specifications of subdivision (2) but which are especially designated for use other than as a fuel for internal combustion engines. **The term "gasoline" does not include a fuel blend nominally consisting of more than eighty-seven percent (87%) ethanol and less than thirteen percent (13%) gasoline.**

(h) "Motor vehicle" means a vehicle, except a vehicle operated on rails, which is propelled by an internal combustion engine or motor and is designed to permit its mobile use on public highways.

(i) "Person" means a natural person, partnership, firm, association, corporation, limited liability company, representative appointed by a court, or the state or its political subdivisions.

(j) "Public highway" means the entire width between boundary lines of every publicly maintained way in Indiana including streets and alleys in cities and towns when any part of the way is open to public use for vehicle travel.

(k) "Taxable marine facility" means a marine facility located on an Indiana lake.

(l) "Taxicab" means a motor vehicle which is:

- (1) designed to carry not more than seven (7) individuals, including the driver;
- (2) held out to the public for hire at a fare regulated by municipal ordinance and based upon length of trips or time consumed;
- (3) not operated over a definite route; and
- (4) a part of a commercial enterprise in the business of providing taxicab service.

(m) "Terminal" means a marine or pipeline gasoline facility.

(n) "Metered pump" means a stationary pump having a meter that is capable of measuring the amount of gasoline dispensed through it.

(o) "Billed gallons" means the gallons indicated on an invoice for payment to a supplier.

(p) "Export" for gasoline and fuels taxed in the same manner as gasoline under the origin state's statutes means the sale for export



and delivery out of a state by or for the seller that is:

- (1) an export by the seller in the origin state; and
- (2) an import by the seller in the destination state.

(q) "Import" for gasoline and fuels taxed in the same manner as gasoline under the origin state's statutes means the purchase for export and transportation out of a state by or for the purchaser that is:

- (1) an export by the purchaser in the origin state; and
- (2) an import by the purchaser in the destination state.

(r) "Rack" means a dock, platform, or open bay:

- (1) located at a refinery or terminal; and
- (2) having a system of metered pipes and hoses to load fuel into a tank wagon or tank transport.

(s) "E85" means a fuel blend nominally consisting of eighty-five percent (85%) ethanol and fifteen percent (15%) gasoline (as described in subsection (g)(2)) that meets American Society for Testing and Materials standard specification 5798-99 for fuel ethanol for automotive spark-ignition engines (Ed75Ed85).

SECTION 27. IC 6-6-1.1-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. The following transactions are exempt from the gasoline tax:

- (1) Gasoline exported from Indiana to another state, territory, or foreign country, **including gasoline sold to another person for export from Indiana to another state, territory, or foreign country.**
- (2) Gasoline sold to the United States or an agency or instrumentality thereof.
- (3) Gasoline sold to a post exchange or other concessionaire on a federal reservation within Indiana; however, the post exchange or concessionaire shall collect, report, and pay to the administrator any tax permitted by federal law on gasoline sold.
- (4) Gasoline used by a licensed distributor for any purpose other than the generation of power for the propulsion of motor vehicles upon the public highways.
- (5) Gasoline received by a licensed distributor and thereafter lost or destroyed, except by evaporation, shrinkage, or unknown cause, while the distributor is still the owner.

SECTION 28. IC 36-7-14-8, AS AMENDED BY P.L.87-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on a day that is



not a Saturday, a Sunday, or a legal holiday and that is their first meeting day of the year. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of this chapter, but subject to subsection (c), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1.

(c) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.

**(d) The following apply to funds of the redevelopment commission:**

**(1) The funds must be maintained and accounted for separately and may not be commingled with any assets or funds of the unit that established the redevelopment commission or of any other political subdivision.**

**(2) The funds:**

**(A) may not be transferred to any accounts or funds established by or for the unit that established the redevelopment commission or any other political subdivision; and**

**(B) except in the case of reimbursements specifically authorized by law, may not be used to pay for expenses of the unit that established the redevelopment commission or for expenses of any other political subdivision.**

~~(d)~~ (e) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution



or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(e) (f) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(f) (g) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 29. IC 36-7-14-13, AS AMENDED BY P.L.87-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Not later than April 15 of each year, the redevelopment commissioners or their designees shall file with the unit's executive and fiscal body a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(e) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.



(6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

**(7) To the extent that the following information has not previously been provided to the department of local government finance:**

**(A) The year in which the tax increment financing district was established.**

**(B) The section of the Indiana Code under which the tax increment financing district was established.**

**(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.**

**(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.**

**(E) The date on which the tax increment financing district will expire.**

**(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.**

(f) A redevelopment commission and a department of redevelopment are subject to the same laws, rules, and ordinances of a general nature that apply to all other commissions or departments of the unit.

SECTION 30. IC 36-7-15.1-3.5, AS AMENDED BY P.L.87-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. Subject to subsection (c), the controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

(c) The controller may disburse funds of the commission only after the commission allows and approves the disbursement. However, the commission may, by rule or resolution, authorize the controller to make certain types of disbursements before the commission's allowance and



approval at its next regular meeting.

**(d) The following apply to funds of the redevelopment commission:**

**(1) The funds must be maintained and accounted for separately and may not be commingled with any assets or funds of the unit that established the redevelopment commission or of any other political subdivision.**

**(2) The funds:**

**(A) may not be transferred to any accounts or funds established by or for the unit that established the redevelopment commission or any other political subdivision; and**

**(B) except in the case of reimbursements specifically authorized by law, may not be used to pay for expenses of the unit that established the redevelopment commission or of any other political subdivision.**

SECTION 31. IC 36-7-15.1-36.3, AS AMENDED BY P.L.87-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36.3. (a) Not later than April 15 of each year, the commission or its designee shall file with the mayor and the fiscal body a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(d) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.

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(6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

**(7) To the extent that the following information has not previously been provided to the department of local government finance:**

**(A) The year in which the tax increment financing district was established.**

**(B) The section of the Indiana Code under which the tax increment financing district was established.**

**(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.**

**(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.**

**(E) The date on which the tax increment financing district will expire.**

**(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.**

SECTION 32. IC 36-7.5-1-10, AS AMENDED BY P.L.192-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Economic development project" means the following:

(1) An economic development project described in any of the following:

(A) IC 36-7.5-2-1(2), ~~or~~ IC 36-7.5-2-1(3), **or IC 36-7.5-2-1(4).**

(B) IC 36-7.5-3-1(2) or IC 36-7.5-3-1(4).

(C) The Marquette Plan.

(2) A dredging, sediment removal, or channel improvement project.

SECTION 33. IC 36-7.5-2-1, AS AMENDED BY P.L.192-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article in accordance with IC 36-7.5-3-1.5;



(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, Lake Michigan marina and shoreline development projects and activities, and economic development projects in northwestern Indiana; ~~and~~

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana; **and**

**(4) funding and carrying out destination based economic development projects that:**

**(A) fill a market opportunity in the greater Chicago area, as determined by a credible market study approved by the Indiana finance authority;**

**(B) derive significant capital investment from nongovernmental sources;**

**(C) derive significant investment or incentives from a host municipality, if the project is in a municipality;**

**(D) have a significant and quantifiable impact on the regional economy; and**

**(E) generate:**

**(i) substantial job creation in the region;**

**(ii) substantial new investment in the region; or**

**(iii) both substantial job creation in the region and substantial new investment in the region.**

SECTION 34. IC 36-7.5-3-2, AS AMENDED BY P.L.197-2011, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The development authority may do any of the following:

(1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.

(2) Lease land or a project to an eligible political subdivision.

(3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.

(4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land



or projects.

(5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

(A) A commuter transportation district.

(B) An airport authority or airport development authority.

(C) The Lake Michigan marina and shoreline development commission.

(D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(E) A regional transportation authority.

**(F) A member municipality that is eligible to make an appointment to the development board under IC 36-7.5-2-3(b)(2) and is compliant with the revenue transfer requirements specified in IC 36-7.5-4-2. However, a loan made to such a member municipality before June 30, 2016, under this clause must have a term of not more than ten (10) years and must have a market based interest rate.**

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible municipality.

(8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

(10) Provide funding to assist the Lake Michigan marina and



shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(11) Provide funding for economic development projects in an eligible county or eligible municipality.

(12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.

(13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(15) Sue, be sued, plead, and be impleaded.

(16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

(17) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(20) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved;



and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 35. IC 36-7.5-3-1.5, AS ADDED BY P.L.192-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies to revenue received by the authority to the extent that the revenue has not been pledged or otherwise obligated to pay bonds or leases entered into before July 1, 2015.

(b) The authority may expend money received under this article to fund economic development projects only to the extent that:

(1) the development board finds that the economic development project is **a destination based economic development project described in IC 36-7.5-2-1(4) or is** consistent with:

(A) a duty imposed upon the development authority under section 1(2) or 1(4) of this chapter; or

(B) the Marquette Plan; and

(2) funding the project is reviewed by the state budget committee under subsection (c).

(c) The development board shall submit to the state budget committee for review and comment any proposal to fund an economic development project (**including any destination based economic development project**) under this article. The state budget committee shall review any proposal received under this subsection and may request that the authority appear at a public meeting of the state budget committee concerning the funding proposal.

SECTION 36. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

(b) **As used in this SECTION, "study committee" means either of the following:**

(1) **A statutory committee established under IC 2-5.**

(2) **An interim study committee.**

(c) **The legislative council is urged to assign the following topics to the appropriate study committee:**

(1) **Whether a heavy equipment vehicle excise tax, instead of the property tax, should be imposed on certain heavy equipment vehicles.**

(2) **The appropriate amount of the fee that should be charged for the registration of a logging vehicle that:**



- (A) is used to harvest logs or timber;
- (B) is used to process or load harvested logs or timber; or
- (C) is transported to a logging site specifically for the purpose of building or maintaining a road at the logging site.

(d) If a topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1290 as reprinted February 3, 2016.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Replace the effective date in SECTION 34 with "[EFFECTIVE UPON PASSAGE]".

Page 33, line 33, after "chapter." insert "**However, in the case of an industrial recovery site described in section 5(2) of this chapter, the time that has expired since a plant was placed in service shall be determined as of the date on which the demolition of the vacant plant was completed.**".

Page 34, line 2, after "chapter" delete ";" and insert "**and was placed in service at least fifteen (15) years before the date on which an application is filed with the corporation under this chapter;**".

Page 34, line 4, after "chapter" delete "." and insert "**and was placed in service at least fifteen (15) years before the date on which the demolition of the vacant plant was completed.**".

(Reference is to EHB 1290 as printed February 26, 2016.)

HERSHMAN



## SENATE MOTION

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

- Page 13, line 6, delete "or promotion fund".
- Page 14, line 32, delete "or promotion fund".
- Page 16, line 15, delete "or promotion fund".
- Page 17, line 10, delete "or 8".
- Page 18, line 9, delete "or promotion".
- Page 18, line 10, delete "fund".

(Reference is to EHB 1290 as printed February 26, 2016.)

NIEMEYER

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 SENATE MOTION

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Page 33, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 15. IC 6-2.5-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a retail merchant if:**

- (1) the retail merchant obtains the information described in section 7(c)(1) through 7(c)(3) of this chapter from a person purchasing tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27; and**
- (2) the person purchasing the tangible personal property provides to the retail merchant the signed affirmation required under section 7(c) of this chapter.**

**(b) Except as provided in subsection (c), the following apply to a retail merchant that meets the requirements of subsection (a):**

- (1) Based on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter, the retail merchant is entitled to assume that the person purchasing the tangible personal property:**
  - (A) will use the tangible personal property for an exempt purpose; or**
  - (B) will make the determination regarding whether use tax is due on the storage, use, or consumption of the tangible**



**personal property, and will pay any use tax that is due on the storage, use, or consumption of the tangible personal property.**

**(2) The retail merchant is not liable for a failure to collect any use tax that may be due on the storage, use, or consumption of the tangible personal property.**

**(c) Subsection (b) does not apply to a retail merchant if the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable. The department has the burden of proving that the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1290 as printed February 26, 2016.)

WALKER

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Page 40, line 25, delete "specifically" and insert "**or uses authorized by IC 36-7-14-3.7(d), IC 36-7-14-24, IC 36-7-14-39(b)(3), IC 36-7-14-48(e)(2), and IC 36-7-14-52(b)(4) and reimbursements or uses specifically authorized by any other law,**".

Page 40, line 26, delete "authorized by law,".

Page 40, between lines 28 and 29, begin a new line block indented and insert:

**"This subdivision does not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement."**

Page 43, line 4, delete "specifically" and insert "**or uses authorized by IC 36-7-15.1-26(b)(3), IC 36-7-15.1-35(e)(2), and IC 36-7-15.1-53(b)(3) and reimbursements or uses specifically**

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**authorized by any other law,".**

Page 43, line 5, delete "authorized by law,".

Page 43, between lines 7 and 8, begin a new line block indented and insert:

**"This subdivision does not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement."**

(Reference is to EHB 1290 as printed February 26, 2016.)

MILLER PETE

